



भारत का राजपत्र The Gazette of India

आधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

द. 5]

नई दिल्ली, शनिवार, फरवरी 3, 2001/माघ

No. 5]

NEW DELHI, SATURDAY, FEBRUARY 3, 2001/MAGHA 14, 1922

इस भाग में दिए गए संख्या की जाती है जिससे कि यह सारा संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

भारत सरकार के विभागों (रक्षा विभाग को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक लोक-शिकायत तथा पेंशन विभाग

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 23 जनवरी, 2001

का. आ. 164.—इस विभाग की दिनांक 17 जुलाई, 2000 की समसंख्यक अधिसूचना का अधिकरण करते हुए और दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा असम राज्य सरकार राजनीतिक (क) विभाग (सतर्कता एकक) की दिनांक 19-09-2000 की अधिसूचना संख्या पी. एल. ए. (V)/84/99/25-क द्वारा प्राप्त सहमति से, लातौंसिल पुलिस स्टेशन (गुवाहाटी) में भारतीय बंड संहिता, 1860 (1860 का अधिनियम संख्या 45) की धारा 420, 468 और 34 और भ्रष्टाचार निवारण अधिनियम, 1988 के तहत दर्ज आपराधिक मामला संख्या 101/99 और ऊपर वर्णित किसी

एक अपराध अथवा उससे अधिक अपराधों के संबंध में अथवा उनके बारे में प्रयत्न-दुष्प्रेरण और षड्यंत्र और वैसे ही संयोजन के क्रम में उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार, संपूर्ण असम राज्य के संबंध में करती है।

[सं० 228/70/99-ए. बी. डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 23rd January, 2001

S O. 164.—In supersession of this Department's notification of even number dated 17th July, 2000 and in exercise of the powers conferred by Sub-section (1) of Section 5 read with Section 6 of the

Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Assam, Political (A), Department (Vigilance Cell) vide Notification No. PLA(V)84/99/25-A dated 19-9-2000, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment to the whole State of Assam for investigation of Crime Case No. 101/99 registered at Latasil Police Station (Guwahati) under Sections 420, 468 and 34 of Indian Penal Code, 1860 (Act No. 45 of 1860) and offences under Prevention of Corruption Act, 1988 and attempt, abetment and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/70/99-AVD. II]

HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 25 जनवरी, 2001

का. आ. 165. —अनः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप धारा के अधीन आदेश फाइल सं. 673/72/2000—सी. यू. एस.-VIII, दिनांक 16-11-2000 को जारी किया और यह निर्देश दिया कि श्री चंद्र देव नारायण सिंह, पता "प्रिया", प्लॉट नं. 31, जे. बी. पी. डी. स्कीम, 10वां मार्ग, जुहु, मुम्बई को गिरफ्तार किया जाये और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में तस्करी करने से रोका जा सके।

2. अनः केन्द्रीय सरकार के पास यह विश्वास करते व कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रहा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अनः, अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई, के सम्मुख उपस्थित हो।

[फा. सं. 673/72/2000—सी. यू. एस.-VIII]

प्रकाश चन्द्रा, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 25th January, 2001

S.O. 165.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order, F. No. 673/72/2000-Cus. VIII, dated 16-11-2000 under the said Sub-section directing that Sur Chandra Dev Narain Singh R/o "PRIYA", Plot No. 31, JVPD Scheme, 10th Road, Juhu, Mumbai be detained and kept in custody in the Central Prison, Mumbai, with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days

of the publication of this order in the Official Gazette.

[F. No. 673/72/2000-Cus. VIII]

PARKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 25 जनवरी, 2001

का. आ. 166. —अतः संयुक्त सचिव भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप धारा के अधीन आदेश फाइल सं. 673/73/2000-सी. यू. एस.-VIII दिनांक 16-11-2000 को जारी किया और यह निर्देश दिया कि श्री आदित्य सिंह, पता "प्रिया", प्लॉट नं. 31, जे. बी. पी. डी. स्कीम, 10 वां मार्ग जुहु, मुम्बई को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई, के सम्मुख उपस्थित हो।

[फा. सं. 673/73/2000-सी. यू. एस.-V-III]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 25th January, 2001

S.O. 166.—Whereas the Joint Secretary to the Government of India, specially empowered under

Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/73/2000-Cus. VIII, dated 16-11-2000 under the said Sub-section directing that Shri Aditya Singh, R/o "PRIYA", Plot No. 31, JVPD Scheme, 10th, Road, Juhu Mumbai be detained and kept in custody in the Central Prison, Mumbai with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/73/2000-Cus. VIII]

PARKASH CHANDRA, Dy. Secy.

आदेश

नई दिल्ली, 25 जनवरी, 2001

का. आ. 167. —अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप धारा के अधीन आदेश फाइल सं. 673/74/2000-सी. यू. एस.-VIII, दिनांक 16-11-2000 को जारी किया और यह निर्देश दिया कि श्री रंधीर सिंह, पता "प्रिया", प्लॉट नं. 31, जे. बी. पी. डी. स्कीम, 10वां मार्ग, जुहु, मुम्बई, को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए जिससे कि उन्हें भविष्य में तस्करी करने से रोका जा सके।

2. अतः केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को

छिपा रखा है जिससे यह आदेश निष्पादित नहीं किया जा सकता।

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

3. अतः अब उक्त अधिनियम की धारा 7 की उप धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई, के सम्मुख उपस्थित हो।

[फाइल सं. 673/74/2000-सी. यू. एस.-VIII]

प्रकाश चन्द्रा, उप सचिव

ORDER

New Delhi, the 25th January, 2001

S.O. 167.—Whereas the Joint Secretary to the Government of India, specially empowered under Sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/74/2000-Cus. VIII, dated 16-11-2000 under the said Sub-section directing that Shri Randhir Singh, R/o "PRIYA", Plot No. 31, JVPD Scheme, 10th, Road, Juhu, Mumbai be detained and kept in custody in the Central Prison, Mumbai, with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the powers conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/74/2000-Cus. VIII]
PARKASH CHANDRA, Dy. Secy.

नई दिल्ली, 18 जनवरी, 2001

का. आ. 168.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 19 की उप धारा (2) के उपबंध पंजाब एंड सिंध बैंक, नई दिल्ली पर 21 जनवरी, 2001 तक की अवधि के लिए उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध गिरबीदार के रूप में मैसर्स डायनामिक फॉर्जिंग्स इंडिया लि. के शेयरों की धारिता से है।

[फा. सं. 15/1/98—बी. ओ. ए.]

डी. चौधरी, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th January, 2001

SO. 168.—In exercise of the powers conferred by Sec. 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of Section 19 of the said Act, shall not apply to Punjab and Sind Bank, New Delhi for a period upto 21st January, 2001 is so far as they relate to its holding of the shares of M/s. Dynamatic Forgings India Ltd. as a pledgee.

[F. No. 15/1/98-BOA]

D. CHOUDHURY, Under Secy.

नई दिल्ली, 22 जनवरी, 2001

का. आ. 169.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जस एवं धारण) अधिनियम, 1978

की धारा 9 की उप-धारा 3 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा श्री वी. एन. सक्सेना, जो इस समय पंजाब नेशनल बैंक में महा-प्रबंधक हैं, को उनके कार्यभार ग्रहण करने की तारीख से 30 जून, 2005 तक की अवधि के लिए सेंट्रल बैंक आफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/42/2000—बी. ओ. I]

डी. के. त्यागी, निदेशक

New Delhi, the 22nd January, 2001

S.O. 169.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies Acquisition and Transfer of Undertakings Act, 1970, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri V. N. Saxena, presently General Manager, Punjab National Bank as a whole time director (designated as the Executive Director) of Central Bank of India for the period from the date of his taking charge and upto 30th June, 2005.

[F. No. 9/42/2000-B.O.I]

D. K. TYAGI, Director

वाणिज्य और उद्योग मंत्रालय

(औद्योगिक नीति और संवर्धन विभाग)

नई दिल्ली, 16 जनवरी, 2001

फा. आ. 170.—केन्द्रीय सरकार, राजभाषा (संच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम (10)

के उप नियम (4) के अनुसरण में वाणिज्य और उद्योग मंत्रालय के औद्योगिक नीति और संवर्धन विभाग के अधीन नमक आयुक्त का कार्यालय, जयपुर के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :

(1) सहायक नमक आयुक्त का कार्यालय, गांधीधाम।

(2) सहायक नमक आयुक्त का कार्यालय, कलकत्ता।

[सं. ई-12012/1/97-हिन्दी]

एस. जगदीशन, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Industrial Policy and Promotion)

New Delhi, the 16th January, 2001

S.O 170.—In pursuance of sub-rule (4) of rule (10) of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notices the following offices of the Salt Commissioner, Jaipur, under the Deptt. of Industrial Policy and Promotion, Ministry of Commerce and Industry, whose 80 per cent staff have acquired working knowledge of Hindi :—

1. Office of the Asstt. Salt Commissioner, Gandhidham.

2. Office of the Asstt. Salt Commissioner, Calcutta.

[No E.-12012/1/97-Hindi]

S. JAGADEESAN, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 25, जनवरी 2001

फा.आ. 171.—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील), नियम, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड ग और नियम 24 के उपनियम (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह

निदेश देते हैं कि भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं. का. आ. 3914, तारीख 13 अक्टूबर, 1972 में निम्नलिखित संशोधन किए जायेंगे, अर्थात्:—

(1) उक्त अधिसूचना में “(1) स्तम्भ 4 में उल्लिखित पदों की बाबत” शब्दों से प्रारंभ होने वाले और “अनुशासनिक प्राधिकारी होंगे” शब्दों पर समाप्त होने वाले भाग के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

(i) इस आदेश की अनुसूची के भाग 1 के स्तंभ 2 में विनिर्दिष्ट साधारण केन्द्रीय सेवा समूह ‘ख’ पदों की बाबत, स्तंभ 3 में विनिर्दिष्ट प्राधिकारी, नियुक्ति प्राधिकारी होंगे और स्तंभ 4 और स्तंभ 6 में विनिर्दिष्ट प्राधिकारी नीचे उल्लिखित असातालों/संस्थाओं की बाबत क्रमशः अनुशासनिक प्राधिकारी और अपील प्राधिकारी होंगे।

1. सफदरजंग अस्पताल, नई दिल्ली ;
2. डा. राम मनोहर लोहिया अस्पताल, नई दिल्ली ;
3. केन्द्रीय मनश्चिकित्सा संस्थान, रांची ;
4. लेडी हार्डिंग मेडिकल कालेज व संबद्ध अस्पताल, नई दिल्ली ;
5. अखिल भारतीय स्वास्थ्य विज्ञान और जनस्वास्थ्य संस्थान, कलकत्ता ;
6. राष्ट्रीय संचारी रोग संस्थान, दिल्ली।

(ii) उक्त अधिसूचना की अनुसूची में, भाग 1 के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:

भाग 1—साधारण केन्द्रीय सेवा समूह ‘ख’

क्रम. सं.	सेवा का वर्णन	नियुक्ति प्राधिकारी	अनुशासनिक प्राधिकारी जो शास्तियां अधिरोपित करने के लिए सक्षम है (नियम 11 में मर्दों के प्रति निदेश) और उनके अपील प्राधिकारी।		
			प्राधिकारी	शास्तियां	अपील प्राधिकारी
(1)	(2)	(3)	(4)	(5)	(6)
1.	सफदरजंग अस्पताल, नई दिल्ली, सभी पद	चिकित्सा अधीक्षक, सफदरजंग अस्पताल	चिकित्सा अधीक्षक, सफदरजंग अस्पताल	सभी	सचिव, कांडर प्राधिकारी
2.	डा. राम मनोहर लोहिया अस्पताल, नई दिल्ली, सभी पद	चिकित्सा अधीक्षक, डा. राम मनोहर लोहिया अस्पताल	चिकित्सा अधीक्षक, डा. राम मनोहर लोहिया अस्पताल	सभी	सचिव, कांडर प्राधिकारी
3.	केन्द्रीय मनश्चिकित्सा, संस्थान, रांची, सभी पद	निदेशक, केन्द्रीय मनश्चिकित्सा संस्थान, रांची	निदेशक, केन्द्रीय मनश्चिकित्सा संस्थान, रांची	सभी	सचिव, कांडर प्राधिकारी
4.	लेडी हार्डिंग मेडिकल कालेज व संबद्ध अस्पताल, नई दिल्ली, सभी पद	प्रधानाचार्य और चिकित्सा अधीक्षक, लेडी हार्डिंग मेडिकल कालेज व संबद्ध अस्पताल, नई दिल्ली	प्रधानाचार्य और चिकित्सा अधीक्षक, लेडी हार्डिंग मेडिकल कालेज व संबद्ध अस्पताल, नई दिल्ली,	सभी	सचिव, कांडर प्राधिकारी

1	2	3	4	5	6
5.	अखिल भारतीय स्वास्थ्य विज्ञान और जनस्वास्थ्य संस्थान, कलकत्ता; सभी पद	निदेशक, अखिल भारतीय स्वास्थ्य विज्ञान और जनस्वास्थ्य संस्थान, कलकत्ता; सभी पद	निदेशक, अखिल भारतीय स्वास्थ्य विज्ञान और जनस्वास्थ्य संस्थान, कलकत्ता;	सभी	सचिव, काडर प्राधिकारी
6.	राष्ट्रीय संचारी रोग संस्थान, दिल्ली। सभी पद	निदेशक, राष्ट्रीय संचारी रोग संस्थान, दिल्ली।	निदेशक, राष्ट्रीय संचारी रोग संस्थान, दिल्ली।	सभी	सचिव, काडर प्राधिकारी

[फा. सं. जेड-28015/46/95-एच]

के.सी. मिश्रा, अवर सचिव

MINISTRY OF HEALTH & FAMILY WELFARE

New Delhi, the 25th January, 2001

S.O. 171.—In exercise of the powers conferred by sub-rule (2) of rule 9, Clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following amendments shall be made in the Notification of the Government of India in the Ministry of Health & Family Welfare (Department of Health) Number S.O. 3914, dated the 13th October, 1972, namely:—

(i) In the said Notification, for the portion beginning with the brackets, figure and words, “(1) in respect of the post” and ending with the words and figures “specified in column 4 shall be the Disciplinary Authority in regard to the penalties specified in column 5”, the following shall be substituted namely :—

“(1) in respect of the posts in the General Central Service, Group B, specified in column 2 of Part I of the Schedule to this Order, the authority specified in column 3 shall be the Appointing Authority and authority specified in Column 4 and 6 shall be the Disciplinary Authority and Appellate Authority respectively in regard to the penalties specified in Column 5 in respect of hospitals institutions mentioned below :

1. Safdarjung Hospital, New Delhi ;
2. Dr. Ram Manohar Lohia Hospital, New Delhi;
3. Central Institute of Psychiatry, Ranchi;
4. Lady Hardinge Medical College & Associated Hospitals, New Delhi;
5. All India Institute of Hygiene & Public Health, Calcutta.
6. National Institute of Communicable Diseases, Delhi.”

(ii) In the Schedule to the said Notification, for Part I, the following Part shall be substituted namely:

“PART-I—GENERAL CENTRAL SERVICE GROUP ‘B’

S. No.	Description of Service	Appointing Authority	Disciplinary Authority competent to impose penalties which it may be impose (with reference to the items in Rule (11) and the Appellate Authority thereof.		
			Authority	Penalties	Appellate Authority
1	2	3	4	5	6
1.	Safdarjung Hospital New Delhi. All Posts.	Medical Superintendent Safdarjung Hospital.	Medical Superintendent, Safdarjung Hospital	All	Secretary, Cadre Authority
2.	Dr. Ram Manohar Lohia Hospital, New Delhi. All Posts.	Medical Superintendent Dr. Ram Manohar Lohia Hospital.	Medical Superintendent Dr. Ram Manohar Lohia Hospital.	All	Secretary, Cadre Authority
3.	Central Institute of Psychiatry, Ranchi All Post.	Director Central Institute of Psychiatry, Ranchi	Director, Central Institute of Psychiatry, Ranchi.	All	Secretary, Cadre Authority
4.	Lady Hardinge Medical College and Associated Hospitals, New Delhi. All Posts.	Principal and Medical Superintendent, Lady Hardinge Medical College and Associated Hospitals.	Principal and Medical Superintendent, Lady Hardinge Medical College and Associated Hospitals.	All	Secretary, Cadre Authority
5.	All India Institute of Hygiene and Public Health, Calcutta. All Posts.	Director All India Insti- tute of Hygiene and Public Health.	Director, All India Insti- tute of Hygiene and Public Health Calcutta.	All	Secretary Cadre Authority
6.	National Institute of Communicable Diseases, Delhi. All Post.	Director, National Institute of Communi- cable Diseases, Delhi	Director, National Insti- tute of Communicable Disease, Delhi	All	Secretary Cadre Authority.”

[File No. Z. 28015/46/95-H]

K.C. MISHRA Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 1 फरवरी, 2001

का. आ. 172.—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 985, तारीख 10-5-2000 द्वारा प्राधिकृत श्री टी. डी. सेन गुट्टुवान के स्थान पर श्री के. बाडीवेल, जिला प्रबंधक (टीएडीसीओ), जिला नीलगिरी, तमिलनाडु को उक्त अधिनियम के अधीन तमिलनाडु के राज्यक्षेत्र के भीतर पेट्रोनेट सी. सी. के. लिमिटेड, कोचीन—कोयम्बटूर—

करूर पाइप लाइन परियोजना के सक्षम प्राधिकारी, के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है।

[फा. सं. आर.—31015/18/2000 ओ. आर.-II]

हरीश कुमार, अवसर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS
New Delhi, the 1st February, 2001

S.O. 172.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri K. Vadivel, District Manager (TADCO), Nilgiris District, Tamil Nadu to perform the functions of the competent authority, Cochin-Coimbatore-Karur Pipeline Project of Petronet CCK Ltd., under the said Act within the territory of the State of Tamil Nadu in place of Shri T.D. Senguttuvan authorised vide notification of the Government of India in the Ministry of Petroleum and Natural Gas, number S.O. 985 dated 10-5-2000.

[File No. R-31015/18/2000-O.R.-II]

HARISH KUMAR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 19 जनवरी, 2001

का. आ. 173.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिहार राज्य में विद्यमान बरौनी — कानपुर उत्पाद पाइपलाइन के साथ बरौनी से पटना तक पेट्रोलियम उत्पादों के परिवहन के लिए एक समानान्तर पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए ^{इस} अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री रामचन्द्र भगत, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, बरौनी — कानपुर पाइपलाइन, डाकघर — डेलवों, वाया — लोहिया नगर, सिपारा, पटना — 800020 (बिहार) को कर सकेगा।

अनुसूची

अंचल - फतुहा	जिला - पटना	राज्य - बिहार		
गाँव का नाम	खसरा नं०	क्षेत्र		
		हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
गाढोघक	232	0	0	88
	233	0	4	46
	234	0	5	45
	231	0	7	67
	229	0	4	10
	228	0	14	75
	227	0	4	86
	222	0	2	13
	221	0	1	36
	220	0	1	39
	223	0	6	31
	219	0	3	85
	218	0	0	51
	61	0	3	54
	64	0	3	60
	137	0	3	46
	136	0	8	35
	135	0	5	76
	132	0	4	16
	131	0	0	40
	70	0	1	85
	71	0	9	30
	72	0	0	40
	117	0	1	94
	118	0	7	80
	119	0	3	0
	116	0	7	26
	115	0	0	40
गोबिन्दपुर कुरथा	262	0	8	56
	260	0	17	82

[संख्या - आर - 31015/51/2000 - ओ आर-I]

एस चन्द्रशेखर, अवसर सचिव

New Delhi, the 19th January, 2001

S. O. 173.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products in the State of Bihar, a parallel product pipeline from Barauni to Patna along the existing Barauni - Kanpur Product Pipeline should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Chandra Bhagat, Competent Authority, Indian Oil Corporation Limited, Barauni - Kanpur Pipeline, Post Office - Dhelwan, via - Lohia Nagar, Sipara, Patna - 800020 (Bihar).

Schedule

Anchal - FATUHA		District - PATNA		State-BIHAR	
Name of Village	Khasra No./ Plot. No	Area			
		Hectare	Are	Centlare	
1	2	3	4	5	
GARHOCHAK	232	0	0	88	
	233	0	4	46	
	234	0	5	45	
	231	0	7	67	
	229	0	4	10	
	228	0	14	75	
	227	0	4	88	
	222	0	2	13	
	221	0	1	36	
	220	0	1	39	
	223	0	6	31	
	219	0	3	85	
	218	0	0	51	
	61	0	3	54	
	64	0	3	60	
	137	0	3	46	
	136	0	8	35	
	135	0	5	76	
	132	0	4	16	
	131	0	0	40	
	70	0	1	85	
	71	0	9	30	
	72	0	0	40	
	117	0	1	94	
	118	0	7	80	
	119	0	3	0	
	116	0	7	26	
	115	0	0	40	
GOBINDPUR KURTHA	262	0	8	56	
	260	0	17	82	

FILE NO. R-31015/31/2000-OR-I
S. CHANDRASHEKHAR, UNDER SECY.

नई दिल्ली, 19 जनवरी, 2001

का. आ. 174.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिहार राज्य में विद्यमान बरौनी — कानपुर उत्पाद पाइपलाइन के साथ बरौनी से पटना तक पेट्रोलियम उत्पादों के परिवहन के लिए एक समानान्तर पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए ^{इस} अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री रामचन्द्र भगत, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, बरौनी — कानपुर पाइपलाइन, डाकघर — डेलवॉ, वाया — लोहिया नगर, सिपारा, पटना — 800020 (बिहार) को कर सकेगा।

अनुसूची

अंचल-तहसील	जिला - बेगूसराय	राज्य - बिहार		
गाँव का नाम	खसरा नं०	क्षेत्र		
		हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
जमालपुर	210	0	0	65
	199	0	9	30
	202	0	5	75
	201	0	0	90
	200	0	0	81
	192	0	9	85
	156	0	9	4
	157	0	5	34
	136	0	5	9
	135	0	1	68
	134	0	3	74
	110	0	0	40
	111	0	6	13
	106	0	0	40
	132	0	1	77
	133	0	1	41
	112	0	0	40
	113	0	1	39
	114	0	1	95
भभीर	519	0	2	92
	520	0	11	50
	521	0	3	72
	522	0	3	25
	523	0	0	56
	534	0	3	6
	533	0	3	83
	532	0	4	87
	531	0	6	85
	530	0	8	5
	555	0	4	38
	370	0	15	61
	366	0	58	17
	561	0	2	18
	562	0	2	78
	365	0	8	73
	364	0	10	13
	362	0	5	98
	361	0	0	76
	360	0	0	90
सबीरा	359	0	9	85
	358	0	2	8
	302	0	1	11
	301	0	7	65
	300	0	6	40
	299	0	6	84
	298	0	2	8
	297	0	2	31
	15	0	3	51
	14	0	7	42
	18	0	0	74
	13	0	6	50
	12	0	1	62

[संख्या - आर - 31015/54/ 2000 - ओ आर-I]

एस चन्द्रशेखर, अवर सचिव

New Delhi, the 19th January, 2001

S. O. 174.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products in the State of Bihar, a parallel product pipeline from Barauni to Patna along the existing Barauni - Kanpur Product Pipeline should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Chandra Bhagat, Competent Authority, Indian Oil Corporation Limited, Barauni - Kanpur Pipeline, Post Office - Dhelwan, via - Lohia Nagar, Sipara, Patna - 800020 (Bihar).

Schedule

Anchal - TEGHARA		District - BEGUSARAI		State-BIHAR	
Name of Village	Khasra No./ Plot. No	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
JAMALPUR	210	0	0	65	
	199	0	9	30	
	202	0	5	75	
	201	0	0	90	
	200	0	0	81	
	192	0	9	85	
	158	0	9	4	
	157	0	5	34	
	136	0	5	9	
	135	0	1	68	
	134	0	3	74	
	110	0	0	40	
	111	0	6	13	
	108	0	0	40	
	132	0	1	77	
	133	0	1	41	
	112	0	0	40	
	113	0	1	39	
	114	0	1	95	
BHABHAUR	519	0	2	92	
	520	0	11	50	
	521	0	3	72	
	522	0	3	25	
	523	0	0	56	
	534	0	3	6	
	533	0	3	83	
	532	0	4	87	
	531	0	6	85	
	530	0	8	5	
	555	0	4	38	
	370	0	15	61	
	368	0	58	17	
	561	0	2	18	
	562	0	2	78	
	365	0	8	73	
	364	0	10	13	
	362	0	5	98	
	361	0	0	76	
	360	0	0	90	
SABORA	359	0	9	85	
	358	0	2	8	
	302	0	1	11	
	301	0	7	65	
	300	0	6	40	
	299	0	6	84	
	298	0	2	8	
	297	0	2	31	
	15	0	3	51	
	14	0	7	42	
	18	0	0	74	
	13	0	6	50	
	12	0	1	62	

नई दिल्ली, 24 जनवरी, 2001

का. आ. 175.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिहार राज्य में विद्यमान बरौनी — कानपुर उत्पाद पाइपलाइन के साथ बरौनी से पटना तक पेट्रोलियम उत्पादों के परिवहन के लिए एक समानान्तर पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री रामचन्द्र भगत, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, बरौनी — कानपुर पाइपलाइन, डाकघर — डेलवॉ, वाया — लोहिया नगर, सिपारा, पटना — 800020 (बिहार) को कर सकेगा।

अनुसूची

अंचल - पंढारक	जिला - पटना	राज्य - बिहार		
गाँव का नाम	खसरा नं०	क्षेत्र		
		हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
लछमीपुर	559	0	55	53
	556	0	5	1
	555	0	0	40
	552	0	13	35
	551	0	4	9
	550	0	27	65
	549	0	10	74
	548	0	3	16
	547	0	3	27
	544	0	3	10
पुनारक	1416	0	4	63
	1415	0	3	10
	1414	0	3	5
	1412	0	5	61
	1409	0	2	67
	1407	0	2	73
	1406	0	3	98
	1405	0	0	69
	1404	0	1	58
	1403	0	2	21
	1398	0	4	14
	1396	0	3	21
	1393	0	2	18
	1390	0	2	56
	1388	0	2	89
	1386	0	8	7
	1383	0	1	91
	1382	0	3	10
	1381	0	3	54
	1380	0	6	0
	1379	0	4	9
	1374	0	2	2
	1375	0	0	48
	1373	0	1	94
	1372	0	1	1
	1370	0	1	36
	1368	0	1	91
	1364	0	2	2
	1363	0	1	16

1	2	3	4	5
	1362	0	1	21
	1361	0	1	63
	1360	0	3	97
	1359	0	3	27
	1358	0	3	27
	1357	0	6	0
	1356	0	1	36
	7698	0	2	84
	1355	0	9	14
	7695	0	2	73
	1351	0	4	90
	1350	0	5	45
	1349	0	6	0
	1346	0	4	14
	1345	0	3	38
	1343	0	5	43
	1342	0	3	65
	1344	0	1	80
	1341	0	5	85
	1340	0	6	2
	1339	0	1	69
	1338	0	1	80
	1337	0	6	57
	1335	0	15	60
	1334	0	22	99
	1331	0	28	85
	1325	0	3	27
	1324	0	1	63
	1323	0	11	94
	1322	0	0	95
	3468	0	3	14
	3467	0	3	57
	3466	0	3	91
	3465	0	4	55
	3464	0	15	61
	3470	0	0	40
	3471	0	0	91
	3472	0	1	92
	3460	0	3	10
	3461	0	9	46
	3459	0	4	85
	3458	0	7	35
	3457	0	0	74
	3454	0	9	3
	3453	0	5	18
	3452	0	4	63
	3449	0	6	27
	3447	0	6	65

1	2	3	4	5
	3437	0	17	41
	3438	0	4	58
	3180	0	1	63
	3186	0	12	81
	3187	0	7	48
	3188	0	15	22
	3189	0	1	11
	3190	0	2	79
	3191	0	2	77
	3192	0	3	43
	3193	0	3	27
	3194	0	5	83
	3197	0	7	22
	3201	0	1	91
	3203	0	11	22
	3211	0	7	0
	3212	0	0	40
	3225	0	3	56
	3224	0	3	27
	3223	0	3	27
	3230	0	4	52
	3231	0	5	2
	3232	0	7	41
	3222	0	3	14
	3234	0	24	82
	3235	0	2	44
	3315	0	11	88
	3316	0	10	57
	3317	0	10	67
	7610	0	1	20
	7611	0	12	77
	7612	0	5	91
	7613	0	14	20
	7606	0	9	28
	7605	0	8	76
ऐली	877	0	6	26
	878	0	7	0
	879	0	3	68
	880	0	2	78
	881	0	5	28
	882	0	6	27
	899	0	3	54
	900	0	0	40
	898	0	3	10
	902	0	7	66
	906	0	3	5
	907	0	7	74

1	2	3	4	5
	918	0	0	40
	910	0	0	40
	911	0	2	51
	917	0	2	43
	912	0	1	76
	913	0	3	33
	939	0	5	87
	935	0	0	40
	938	0	0	40
	937	0	7	37
	936	0	3	24
	953	0	1	50
	954	0	4	82
	955	0	8	50
	960	0	0	66
	959	0	3	0
	958	0	3	53
	995	0	2	21
	994	0	1	1
	993	0	0	46
	966	0	1	66
	967	0	11	44
	988	0	0	40
	969	0	6	81
	970	0	0	40
	979	0	3	0
	978	0	2	83
	981	0	2	73
ढीबर	1725	0	0	40
	1724	0	8	22
	1721	0	5	76
	1720	0	7	20
	1719	0	5	89
	1718	0	2	92
	1670	0	2	73
	1671	0	7	8
	1752	0	4	62
	1715	0	0	40
	1678	0	7	41
	1679	0	4	6
	1683	0	3	81
	1685	0	3	79
	1686	0	44	19
सहनीरा	928	0	5	87
	929	0	2	78
	930	0	8	27

1	2	3	4	5
	931	0	0	94
	932	0	0	40
	933	0	7	74
	921	0	0	40
	922	0	0	40
	923	0	3	0
	924	0	2	73
	917	0	5	18
	915	0	3	38
	916	0	1	85
	913	0	2	3
	914	0	2	73
	912	0	3	10
	911	0	0	65
	910	0	1	22
	909	0	8	86
	905	0	4	3
	904	0	10	16
	937	0	3	0
	938	0	6	81
	939	0	5	20
	940	0	3	29
	941	0	12	43
ममरखाबाद	9	0	8	28
	10	0	5	7
	11	0	6	84
	12	0	6	37
	14	0	7	93
	19	0	6	2
	20	0	1	74
	25	0	3	81
	26	0	3	37
	30	0	7	66
	31	0	7	83
	37	0	6	46
	38	0	0	60
	39	0	7	77
	47	0	3	93
	48	0	2	96
	49	0	12	50
	57	0	1	48
	58	0	3	8
	59	0	1	61
	60	0	1	78
	61	0	1	33
	64	0	3	68
	65	0	0	83

1	2	3	4	5
	66	0	1	55
	89	0	1	85
	90	0	1	59
	91	0	10	97
	92	0	8	27
	93	0	0	92
	94	0	16	27
	95	0	4	9
	98	0	10	12
	99	0	5	45
	100	0	6	5
	102	0	4	36
	103	0	2	18
	104	0	3	4
	105	0	1	4
	107	0	4	90
	108	0	10	95
	109	0	4	90
	111	0	4	63
	112	0	4	36
	114	0	3	27
	115	0	2	67
	155	0	7	90
	176	0	2	2
	177	0	2	18
	178	0	1	91
	179	0	3	27
	180	0	0	40
	181	0	10	67
	184	0	11	88
	192	0	9	14
	203	0	1	9
	204	0	1	20
	205	0	2	4
	206	0	3	54
	207	0	10	2
	226	0	1	48
	227	0	8	48
	229	0	2	72
	230	0	1	90
	231	0	1	74
	232	0	1	9
	233	0	1	9
	234	0	3	47
	235	0	4	28
	236	0	0	40
	237	0	0	89
	301	0	0	40

1	2	3	4	5
	302	0	4	52
	303	0	3	0
	304	0	5	74
	305	0	5	18
	306	0	12	15
	312	0	6	84
	313	0	5	31
	314	0	2	92
	315	0	0	40
	316	0	0	40
	334	0	23	20
	335	0	0	93
	336	0	29	2
	337	0	4	3
मोजाहिदपुर	104	0	0	40
	9	0	7	72
	10	0	8	85
	11	0	0	40
	14	0	5	98
	15	0	1	96
	13	0	4	27
	20	0	1	96
	21	0	6	63
	22	0	4	25
	23	0	2	17
	24	0	2	59
	25	0	1	42
	26	0	2	17
	42	0	1	39
बारैआरपुर	195	0	7	26
	196	0	5	47
	197	0	4	20
नेआमतपुर	365	0	2	56
	362	0	7	57
	361	0	1	22
	377	0	8	12

[संख्या - आर - 31015 /55/ 2000 - ओ आर-1]

एस चन्द्रशेखर, अवर सचिव

New Delhi, the 24th January, 2001

S. O. 175.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products in the State of Bihar, a parallel product pipeline from Barauni to Patna along the existing Barauni - Kanpur Product Pipeline should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Chandra Bhagat, Competent Authority, Indian Oil Corporation Limited, Barauni - Kanpur Pipeline, Post Office - Dhelwan, via - Lohia Nagar, Sipara, Patna - 800020 (Bihar).

Schedule

Anchal - PUNDARAKH		District - PATNA		State-BIHAR	
Name of Village	Khasra No./ Plot. No	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
LACHHMIPUR	559	0	55	53	
	556	0	5	1	
	555	0	0	40	
	552	0	13	35	
	551	0	4	9	
	550	0	27	65	
	549	0	10	74	
	548	0	3	16	
	547	0	3	27	
	544	0	3	10	
PUNARAKH	1416	0	4	63	
	1415	0	3	10	
	1414	0	3	5	
	1412	0	5	61	
	1409	0	2	67	
	1407	0	2	73	
	1406	0	3	98	
	1405	0	0	69	
	1404	0	1	58	
	1403	0	2	21	
	1398	0	4	14	
	1396	0	3	21	
	1393	0	2	18	
	1390	0	2	56	
	1388	0	2	89	
	1386	0	8	7	
	1383	0	1	91	
	1382	0	3	10	
	1381	0	3	54	
	1380	0	6	0	
	1379	0	4	9	
	1374	0	2	2	
	1375	0	0	48	
	1373	0	1	94	
	1372	0	1	1	
	1370	0	1	36	
	1368	0	1	91	
	1364	0	2	2	
	1363	0	1	16	

[भाग II—खंड 3 (ii)]

भारत का राजपत्र : फरवरी 3, 2001/माघ 14, 1922

1	2	3	4	5
	1362	0	1	21
	1361	0	1	63
	1360	0	3	97
	1359	0	3	27
	1358	0	3	27
	1357	0	6	0
	1356	0	1	36
	7698	0	2	84
	1355	0	9	14
	7695	0	2	73
	1351	0	4	90
	1350	0	5	45
	1349	0	6	0
	1346	0	4	14
	1345	0	3	38
	1343	0	5	43
	1342	0	3	65
	1344	0	1	80
	1341	0	5	85
	1340	0	6	2
	1339	0	1	69
	1338	0	1	80
	1337	0	6	57
	1335	0	15	60
	1334	0	22	99
	1331	0	28	85
	1325	0	3	27
	1324	0	1	63
	1323	0	11	94
	1322	0	0	95
	3468	0	3	14
	3467	0	3	57
	3466	0	3	91
	3465	0	4	55
	3464	0	15	61
	3470	0	0	40
	3471	0	0	91
	3472	0	1	92
	3480	0	3	10
	3461	0	9	46
	3459	0	4	85
	3458	0	7	35
	3457	0	0	74
	3454	0	9	3
	3453	0	5	18
	3452	0	4	63
	3449	0	6	27
	3447	0	6	65

1	2	3	4	5
	3437	0	17	41
	3436	0	4	58
	3180	0	1	63
	3186	0	12	81
	3187	0	7	48
	3188	0	15	22
	3189	0	1	11
	3190	0	2	79
	3191	0	2	77
	3192	0	3	43
	3193	0	3	27
	3194	0	5	83
	3197	0	7	22
	3201	0	1	91
	3203	0	11	22
	3211	0	7	0
	3212	0	0	40
	3225	0	3	56
	3224	0	3	27
	3223	0	3	27
	3230	0	4	52
	3231	0	5	2
	3232	0	7	41
	3222	0	3	14
	3234	0	24	82
	3235	0	2	44
	3315	0	11	88
	3316	0	10	57
	3317	0	10	67
	7610	0	1	20
	7611	0	12	77
	7612	0	5	91
	7613	0	14	20
	7606	0	9	28
	7605	0	8	76
RAIL	877	0	6	26
	878	0	7	0
	879	0	3	68
	880	0	2	78
	881	0	5	28
	882	0	6	27
	899	0	3	54
	900	0	0	40
	898	0	3	10
	902	0	7	66
	906	0	3	5
	907	0	7	74

1	2	3	4	5
	918	0	0	40
	910	0	0	40
	911	0	2	51
	917	0	2	43
	912	0	1	76
	913	0	3	33
	939	0	15	87
	935	0	0	40
	938	0	0	40
	937	0	7	37
	936	0	3	24
	953	0	1	50
	954	0	4	82
	955	0	8	50
	960	0	0	66
	959	0	3	0
	958	0	3	53
	995	0	2	21
	994	0	1	1
	993	0	0	46
	966	0	1	66
	967	0	11	44
	988	0	0	40
	969	0	6	81
	970	0	0	40
	979	0	3	0
	978	0	2	83
	981	0	2	73
DHIBAR	1725	0	0	40
	1724	0	8	22
	1721	0	5	76
	1720	0	7	20
	1719	0	5	89
	1718	0	2	92
	1670	0	2	73
	1671	0	7	8
	1752	0	4	62
	1715	0	0	40
	1678	0	7	41
	1679	0	4	6
	1683	0	3	81
	1685	0	3	79
	1686	0	44	19
SAHNAURA	928	0	5	87
	929	0	2	78
	930	0	8	27

1	2	3	4	5
	931	0	0	94
	932	0	0	40
	933	0	7	74
	921	0	0	40
	922	0	0	40
	923	0	3	0
	924	0	2	73
	917	0	5	18
	915	0	3	38
	916	0	1	85
	913	0	2	3
	914	0	2	73
	912	0	3	10
	911	0	0	65
	910	0	1	22
	909	0	8	86
	905	0	4	3
	904	0	10	16
	937	0	3	0
	938	0	6	81
	939	0	5	20
	940	0	3	29
	941	0	12	43
MAMRAKHABAD	9	0	8	28
	10	0	5	7
	11	0	6	84
	12	0	6	37
	14	0	7	93
	19	0	6	2
	20	0	1	74
	25	0	3	81
	26	0	3	37
	30	0	7	66
	31	0	7	83
	37	0	6	46
	38	0	0	60
	39	0	7	77
	47	0	3	93
	48	0	2	96
	49	0	12	50
	57	0	1	48
	58	0	3	8
	59	0	1	61
	60	0	1	78
	61	0	1	33
	64	0	3	68
	65	0	0	83

1	2	3	4	5
	66	0	1	55
	89	0	1	85
	90	0	1	59
	91	0	10	97
	92	0	8	27
	93	0	0	92
	94	0	16	27
	95	0	4	9
	98	0	10	12
	99	0	5	45
	100	0	6	5
	102	0	4	36
	103	0	2	18
	104	0	3	4
	105	0	1	4
	107	0	4	90
	108	0	10	95
	109	0	4	90
	111	0	4	63
	112	0	4	36
	114	0	3	27
	115	0	2	67
	155	0	7	90
	176	0	2	2
	177	0	2	18
	178	0	1	91
	179	0	3	27
	180	0	0	40
	181	0	10	67
	184	0	11	88
	192	0	9	14
	203	0	1	9
	204	0	1	20
	205	0	2	4
	206	0	3	54
	207	0	10	2
	226	0	1	48
	227	0	8	48
	229	0	2	72
	230	0	1	90
	231	0	1	74
	232	0	1	9
	233	0	1	9
	234	0	3	47
	235	0	4	28
	236	0	0	40
	237	0	0	89
	301	0	0	40

1	2	3	4	5
	302	0	4	52
	303	0	3	0
	304	0	5	74
	305	0	5	18
	306	0	12	15
	312	0	6	84
	313	0	5	31
	314	0	2	92
	315	0	0	40
	316	0	0	40
	334	0	23	20
	335	0	0	93
	336	0	29	2
	337	0	4	3
MOJAHIDPUR	104	0	0	40
	9	0	7	72
	10	0	8	85
	11	0	0	40
	14	0	5	98
	15	0	1	96
	13	0	4	27
	20	0	1	96
	21	0	6	63
	22	0	4	25
	23	0	2	17
	24	0	2	59
	25	0	1	42
	26	0	2	17
	42	0	1	39
BARIARPUR	195	0	7	26
	196	0	5	47
	197	0	4	20
NEAMATPUR	365	0	2	56
	362	0	7	57
	361	0	1	22
	377	0	8	12

FILE NO. R-31015/55/2000-OR-I
S. CHANDRASHEKHAR, UNDER SECY.

नई दिल्ली, 24 जनवरी, 2001

का. आ. 176.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिहार राज्य में विद्यमान बरौनी — कानपुर उत्पाद पाइपलाइन के साथ बरौनी से पटना तक पेट्रोलियम उत्पादों के परिवहन के लिए एक समानान्तर पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि में, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री रामचन्द्र भगत, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, बरौनी — कानपुर पाइपलाइन, डाकघर — डेलवाँ, वाया — लोहिया नगर, सिपारा, पटना — 800020 (बिहार) को कर सकेगा।

अनुसूची

अंचल - बाढ़	जिला - पटना	राज्य - बिहार		
गाँव का नाम	खसरा नं०	क्षेत्र		
		हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
सहरी	2871	0	0	40
	2672	0	6	57
	2674	0	9	03
	2675	0	6	84
	2682	0	0	40
	2686	0	6	81
	2687	0	0	40
	2692	0	1	16
	2693	0	0	93
	2694	0	0	59
	2695	0	0	40
	2489	0	5	25
	2488	0	2	31
	2487	0	2	84
	2486	0	2	84
	2485	0	3	10
	2484	0	5	71
	3565	0	3	65
	2481	0	4	69
	3564	0	3	70
	2467	0	7	68
	2466	0	2	82
	2465	0	2	59
	2464	0	3	30
	2459	0	0	81
	2458	0	8	3
	2456	0	1	39
	2455	0	1	6
	2454	0	3	88
	2453	0	8	15
	2446	0	6	54
	2447	0	11	32
	2448	0	2	87
	3550	0	6	2
	2413	0	7	26
	2877	0	0	40
	2878	0	4	90

1	2	3	4	5
	2883	0	3	28
	2882	0	5	82
	2881	0	3	33
	2880	0	0	40
	2885	0	1	66
	2886	0	0	40
	2888	0	8	87
	2889	0	11	35
	2890	0	9	14
	2891	0	3	54
	2338	0	4	37
	2337	0	1	57
	2326	0	1	25
	2327	0	7	64
	2328	0	0	52
	2325	0	0	40
	2324	0	8	34
	2316	0	0	83
	2318	0	4	80
	2319	0	3	75
	2323	0	1	4
	2313	0	0	83
	2304	0	4	62
	2299	0	0	74
	2302	0	4	25
	2303	0	5	45
	2305	0	0	65
	2306	0	6	40
	2307	0	4	32
	2308	0	3	45
	2309	0	0	41
	2068	0	5	17
	2069	0	6	50
	2087	0	0	40
	2070	0	0	76
	2085	0	5	59
	2071	0	5	42
	2072	0	3	93
	2073	0	5	1
	2074	0	5	59
	2075	0	0	40
	2076	0	7	94
	2077	0	4	36
	2078	0	0	40

1	2	3	4	5
	1893	0	10	95
	1892	0	0	69
	1891	0	4	94
	1890	0	4	40
	1911	0	0	40
	1912	0	0	65
	1889	0	0	40
	1913	0	12	47
	1749	0	1	11
	1747	0	0	40
	1088	0	0	40
	1089	0	0	40
	1090	0	4	0
	1091	0	3	51
	1095	0	5	26
	1096	0	2	84
	1097	0	2	18
	1098	0	3	44
	1099	0	0	40
	1100	0	1	52
	1101	0	2	21
	1119	0	1	76
	1120	0	1	1
	1121	0	0	40
	1118	0	7	10
	1105	0	0	58
	1114	0	1	85
	1117	0	0	92
	1116	0	1	33
	1115	0	1	16
	800	0	0	40
	799	0	6	57
	750	0	3	5
	752	0	3	60
	753	0	9	30
	757	0	0	40
	758	0	1	84
	759	0	5	17
	749	0	0	40
	760	0	9	30
	761	0	0	40
	744	0	2	66
	743	0	1	80

1	2	3	4	5
	742	0	0	40
	727	0	6	10
	726	0	0	40
	725	0	3	5
	724	0	0	40
	728	0	6	3
	729	0	5	30
	716	0	0	40
	525	0	3	15
	526	0	7	93
	528	0	0	65
	520	0	1	29
	529	0	4	43
	505	0	5	61
	510	0	4	90
	506	0	7	11
	507	0	6	27
	508	0	5	45
	488	0	0	41
	487	0	4	12
	486	0	7	66
	471	0	0	40
	472	0	4	45
	476	0	0	40
	475	0	0	97
	474	0	3	74
	473	0	0	56
	447	0	2	21
	446	0	6	81
	445	0	4	63
	444	0	3	0
	427	0	3	37
	426	0	3	33
बीकना	3199	0	0	58
	3201	0	5	11
	3203	0	1	14
	3204	0	0	93
	3205	0	0	74
	3206	0	0	40
	3207	0	0	40
	3054	0	9	17
	7126	0	5	59

1	2	3	4	5
	2431	0	4	40
	2430	0	3	41
	2437	0	5	26
	2438	0	5	18
	2439	0	5	10
	2440	0	2	55
	2417	0	11	44
	2418	0	0	40
	2441	0	1	37
	2456	0	6	12
	2457	0	4	25
	2455	0	0	40
	2458	0	4	29
	2459	0	14	54
	2460	0	0	57
	2415	0	1	66
	2416	0	0	40
	2484	0	0	76
	2334	0	4	66
	2361	0	0	55
	2321	0	7	77
	2322	0	3	86
	2333	0	1	61
	2342	0	6	54
	2335	0	0	40
	2341	0	0	52
	2336	0	5	28
	2338	0	9	28
	2337	0	2	98
	2279	0	8	87
	2299	0	0	40
	2298	0	7	66
	2295	0	3	27
	2296	0	0	40
	2293	0	6	2
	2290	0	4	73
	2289	0	0	70
	2288	0	3	0
	2284	0	4	16
	2285	0	5	8
	2000	0	6	83
	2001	0	6	38
	2002	0	2	3

1	2	3	4	5
	1976	0	0	40
	1998	0	2	42
	1996	0	2	42
	1995	0	0	69
	1997	0	3	0
	1999	0	2	82
	2015	0	0	40
	2016	0	8	38
	2017	0	2	21
	2024	0	6	82
	2025	0	0	40
	2023	0	0	63
	2031	0	3	8
	2030	0	2	48
	2029	0	1	80
	2032	0	7	39
	2033	0	0	40
	2063	0	1	56
	2062	0	0	40
	2061	0	6	0
	2060	0	1	42
	2059	0	1	80
	2052	0	2	49
	2056	0	7	15
	2057	0	0	40
	2055	0	4	43
	2054	0	3	69
	2053	0	3	88
	2045	0	3	69
	1564	0	0	74
	1576	0	3	33
	1577	0	12	17
	1580	0	0	40
	1578	0	4	93
	1579	0	12	31
	1589	0	0	40

[संख्या - आर - 31015 /56/ 2000 - ओ आर-।]

एस चन्द्रशेखर, अवर सचिव

New Delhi, the 24th January, 2001

S. O. 176.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products in the State of Bihar, a parallel product pipeline from Barauni to Patna along the existing Barauni - Kanpur Product Pipeline should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Chandra Bhagat, Competent Authority, Indian Oil Corporation Limited, Barauni - Kanpur Pipeline, Post Office - Dhelwan, via - Lohia Nagar, Sipara, Patna - 800020 (Bihar).

Schedule

Anchal - BARH		District - PATNA		State-BIHAR	
Name of Village	Khasra No./ Plot No	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
SAHRI	2671	0	0	40	
	2672	0	6	57	
	2674	0	9	03	
	2675	0	6	84	
	2682	0	0	40	
	2686	0	6	81	
	2687	0	0	40	
	2692	0	1	16	
	2693	0	0	93	
	2694	0	0	59	
	2695	0	0	40	
	2489	0	5	25	
	2488	0	2	31	
	2487	0	2	84	
	2486	0	2	84	
	2485	0	3	10	
	2484	0	5	71	
	3585	0	3	65	
	2481	0	4	69	
	3584	0	3	70	
	2487	0	7	68	
	2486	0	2	82	
	2485	0	2	59	
	2484	0	3	30	
	2459	0	0	81	
	2458	0	8	3	
	2456	0	1	39	
	2455	0	1	6	
	2454	0	3	88	
	2453	0	8	15	
	2446	0	6	54	
	2447	0	11	32	
	2448	0	2	87	
	3550	0	6	2	
	2413	0	7	26	
	2877	0	0	40	
	2878	0	4	90	

1	2	3	4	5
	2883	0	3	28
	2882	0	5	82
	2881	0	3	33
	2880	0	0	40
	2885	0	1	66
	2886	0	0	40
	2888	0	8	87
	2889	0	11	35
	2890	0	9	14
	2891	0	3	54
	2338	0	4	37
	2337	0	1	57
	2326	0	1	25
	2327	0	7	64
	2328	0	0	52
	2325	0	0	40
	2324	0	8	34
	2316	0	0	83
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	2304	0	4	62
	2299	0	0	74
	2302	0	4	25
	2303	0	5	45
	2305	0	0	65
	2306	0	6	40
	2307	0	4	32
	2308	0	3	45
	2309	0	0	41
	2068	0	5	17
	2069	0	6	50
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	2070	0	0	76
	2085	0	5	59
	2071	0	5	42
	2072	0	3	93
	2073	0	5	1
	2074	0	5	59
	2075	0	0	40
	2076	0	7	94
	2077	0	4	36
	2078	0	0	40

1	2	3	4	5
	1893	0	10	95
	1892	0	0	69
	1891	0	4	94
	1890	0	4	40
	1911	0	0	40
	1912	0	0	65
	1889	0	0	40
	1913	0	12	47
	1749	0	1	11
	1747	0	0	40
	1088	0	0	40
	1089	0	0	40
	1090	0	4	0
	1091	0	3	51
	1095	0	5	26
	1096	0	2	84
	1097	0	2	18
	1098	0	3	44
	1099	0	0	40
	1100	0	1	52
	1101	0	2	21
	1119	0	1	76
	1120	0	1	1
	1121	0	0	40
	1118	0	7	10
	1105	0	0	58
	1114	0	1	85
	1117	0	0	92
	1116	0	1	33
	1115	0	1	16
	800	0	0	40
	799	0	6	57
	750	0	3	5
	752	0	3	60
	753	0	9	30
	757	0	0	40
	758	0	1	84
	759	0	5	17
	749	0	0	40
	760	0	9	30
	761	0	0	40
	744	0	2	66
	743	0	1	80

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	742	0	0	40
	727	0	6	10
	726	0	0	40
	725	0	3	5
	724	0	0	40
	728	0	6	3
	729	0	5	30
	716	0	0	40
	525	0	3	15
	526	0	7	93
	528	0	0	65
	520	0	1	29
	529	0	4	43
	505	0	5	61
	510	0	4	90
	506	0	7	11
	507	0	6	27
	508	0	5	45
	488	0	0	41
	487	0	4	12
	486	0	7	66
	471	0	0	40
	472	0	4	45
	476	0	0	40
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	474	0	3	74
	473	0	0	56
	447	0	2	21
	446	0	6	81
	445	0	4	63
	444	0	3	0
	427	0	3	37
	426	0	3	33
BIRHANA	3199	0	0	58
	3201	0	5	11
	3203	0	1	14
	3204	0	0	93
	3205	0	0	74
	3206	0	0	40
	3207	0	0	40
	3054	0	9	17
	7126	0	5	59

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	2431	0	4	40
	2430	0	3	41
	2437	0	5	26
	2438	0	5	18
	2439	0	5	10
	2440	0	2	55
	2417	0	11	44
	2418	0	0	40
	2441	0	1	37
	2456	0	6	12
	2457	0	4	25
	2455	0	0	40
	2458	0	4	29
	2459	0	14	54
	2460	0	0	57
	2415	0	1	66
	2416	0	0	40
	2484	0	0	76
	2334	0	4	66
	2361	0	0	55
	2321	0	7	77
	2322	0	3	86
	2333	0	1	61
	2342	0	6	54
	2335	0	0	40
	2341	0	0	52
	2336	0	5	28
	2338	0	9	28
	2337	0	2	98
	2279	0	8	87
	2299	0	0	40
	2298	0	7	66
	2295	0	3	27
	2296	0	0	40
	2293	0	6	2
	2290	0	4	73
	2289	0	0	70
	2288	0	3	0
	2284	0	4	16
	2285	0	5	8
	2000	0	6	83
	2001	0	6	38
	2002	0	2	3

1	2	3	4	5
	1976	0	0	40
	1998	0	2	42
	1996	0	2	42
	1995	0	0	69
	1997	0	3	0
	1999	0	2	82
	2015	0	0	40
	2016	0	8	38
	2017	0	2	21
	2024	0	6	82
	2025	0	0	40
	2023	0	0	63
	2031	0	3	8
	2030	0	2	48
	2029	0	1	80
	2032	0	7	39
	2033	0	0	40
	2063	0	1	56
	2062	0	0	40
	2061	0	6	0
	2060	0	1	42
	2059	0	1	80
	2052	0	2	49
	2056	0	7	15
	2057	0	0	40
	2055	0	4	43
	2054	0	3	69
	2053	0	3	88
	2045	0	3	69
	1564	0	0	74
	1576	0	3	33
	1577	0	12	17
	1580	0	0	40
	1578	0	4	93
	1579	0	12	31
	1589	0	0	40

FILE NO. R-31015/56/2000-OR-I
S. CHANDRASHEKHAR, UNDER SECY.

नई दिल्ली, 30 जनवरी, 2001

का. आ. 177.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिहार राज्य में विद्यमान बरौनी — कानपुर उत्पाद पाइपलाइन के साथ-साथ बरौनी से पटना तक पेट्रोलियम उत्पादों के परिवहन के लिए एक समानान्तर पाइपलाइन इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि जिसके नीचे उक्त पाइपलाइन बिछाने का प्रस्ताव है, के उपयोग के अधिकार का अर्जन करना आवश्यक है;

अतः, अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन), अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार को अर्जित करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित, इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के सम्बन्ध में आक्षेप लिखित रूप में श्री रामधन भगत, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, बरौनी — कानपुर पाइपलाइन, डाकघर — ठेलवाँ, बाया — लोहिया नगर, सिपारा, पटना — 800020 (बिहार) को कर सकेगा।

अनुसूची

अंचल -मोकामा	जिला - पटना	राज्य - बिहार		
गाँव का नाम	खसरा नं०	क्षेत्र		
		हेक्टेयर	आर	वर्गमीटर
1	2	3	4	5
पंचमहला	201	0	7	48
	205	0	27	55
	210	0	2	19
	220	0	2	42
	219	0	3	30
	218	0	3	12
	213	0	2	8
	214	0	1	48
	215	0	0	40
	81	0	3	38
	80	0	3	51
	79	0	0	92
	78	0	3	69
	74	0	1	70
	73	0	9	17
	75	0	2	21
मेकरा	455	0	7	52
	454	0	9	93
	452	0	6	47
	451	0	14	85
	423	0	7	17
	422	0	7	90
	421	0	0	60
	414	0	4	47
	2273	0	3	70
	2274	0	3	92
	486	0	1	39
	462	0	2	8
	461	0	0	46
	458	0	1	39
	453	0	0	40
	199	0	1	59
	198	0	5	40
	197	0	5	34
	196	0	3	64
	195	0	0	40
	182	0	3	42
	183	0	4	83
	184	0	2	88

1	2	3	4	5
	185	0	1	55
	181	0	0	74
	186	0	5	23
	2337	0	0	40
	2336	0	3	99
	3502	0	8	82
	2348	0	3	60
	2350	0	0	56
	2331	0	6	57
	2330	0	5	75
	2329	0	1	58
	2328	0	3	85
	2327	0	2	58
	2326	0	3	0
	2325	0	2	63
	2324	0	1	85
	2496	0	19	44
	2497	0	8	58
	2502	0	1	29
	2503	0	2	63
	2504	0	3	9
	2505	0	0	41
	2506	0	2	77
	2507	0	1	86
	2508	0	1	88
	2509	0	1	73
	2510	0	2	26
	2511	0	3	10
	2512	0	0	40
	2513	0	3	56
	2514	0	0	69
	2515	0	3	81
	2516	0	4	36
	2517	0	2	77
	2519	0	2	73
	2533	0	0	40
	2534	0	4	62
	2535	0	7	25
	2536	0	6	81
	2537	0	3	49
	2538	0	0	40
	2539	0	0	40
	2540	0	5	0
	2541	0	0	40
	2542	0	8	90
	2543	0	0	40
	2544	0	1	69

1	2	3	4	5
	2545	0	0	92
	2547	0	4	16
	2548	0	4	4
	2549	0	0	40
	2550	0	0	40
	2551	0	2	49
	2552	0	2	21
	2553	0	2	51
	3505	0	2	51
	2554	0	1	4
	2560	0	1	57
	2559	0	0	40
	2558	0	7	63
	2555	0	3	35
	3316	0	2	79
	3315	0	4	5
	3314	0	0	40
	3319	0	1	94
	3320	0	2	26
	3321	0	8	17
	3322	0	0	98
	3323	0	2	61
	3324	0	0	40
	3325	0	3	5
	3326	0	0	46
	3327	0	1	66
	3328	0	2	70
	3329	0	0	40
	3330	0	0	85
	3331	0	1	21
	3332	0	1	39
	3334	0	1	39
	3335	0	0	58
	3356	0	5	45
	3357	0	1	27
	3358	0	1	11
	3359	0	0	40
	3348	0	0	40
	3349	0	4	8
	3350	0	2	26
	3354	0	0	40
कन्हाईपुर	1209	0	3	69
	1210	0	1	94
	1211	0	0	40
	1595	0	6	84
	1596	0	2	29

1	2	3	4	5
	1597	0	0	56
	1599	0	0	40
	1223	0	0	46
	1225	0	0	52
	1226	0	0	40
	1594	0	0	40
	1593	0	1	94
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	1588	0	1	39
	1587	0	0	40
	1586	0	7	8
	1585	0	0	40
	1579	0	2	77
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	1508	0	1	26
	1506	0	1	14
	1505	0	0	40
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	1503	0	3	7
	1509	0	2	75
	1577	0	0	40
	1502	0	1	87
	1512	0	0	58
	1513	0	0	40
	1501	0	0	51
	1500	0	1	4
	1499	0	0	97
	1498	0	1	16
	1497	0	0	40
	1496	0	0	83
	1495	0	0	40
	1494	0	0	40
	1493	0	1	74
	1492	0	1	87
	1487	0	0	97
	1486	0	2	11
	1485	0	1	48
	1484	0	1	97
	1483	0	0	46
	1482	0	3	3

1	2	3	4	5
	1481	0	0	40
	1479	0	0	40
	1477	0	1	36
	1476	0	0	40
	1474	0	0	83
	1478	0	0	80
	1473	0	1	10
	1472	0	0	40
	1461	0	2	73
	1460	0	1	91
	1459	0	2	73
	1458	0	2	21
	1457	0	4	20
	1456	0	0	40
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	44	0	5	54
	45	0	0	46
	1610	0	1	73
	907	0	0	40
	792	0	1	50
	791	0	3	22
	789	0	2	86
	788	0	3	27
	787	0	0	83
	786	0	3	33
	785	0	0	40
	784	0	10	40
	783	0	3	87
	782	0	8	44
	781	0	0	40
	780	0	0	40
	759	0	0	56
	758	0	0	40
	757	0	0	72
	756	0	0	72
	754	0	9	81
	755	0	1	73
	764	0	1	77
	753	0	1	48
	752	0	2	70
	751	0	11	22
	723	0	7	36
	722	0	3	0
	721	0	3	54
	720	0	0	40
	719	0	7	8
	718	0	19	49

1	2	3	4	5
	1817	0	0	40
	1818	0	4	39
सेवनार	1905	0	3	54
	1906	0	2	56
	1907	0	7	8
	1908	0	8	16
	1909	0	0	40
	1910	0	7	63
	1911	0	8	48
	1912	0	0	40
	1903	0	0	74
	1899	0	13	95
	1898	0	1	29
	1895	0	3	27
	1894	0	3	45
	1893	0	3	90
	1892	0	4	32
	1891	0	0	40
	1887	0	8	48
	1886	0	9	30
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	1827	0	8	89
	1829	0	3	81
	1830	0	3	51
	1831	0	0	40
	1832	0	3	0
	1833	0	5	79
	1837	0	0	40
	1836	0	0	40
	1835	0	0	40
	1834	0	3	31
	1821	0	0	40
	1822	0	0	40
	1820	0	7	38
	1818	0	0	74
	1819	0	3	29
	1817	0	5	45
	1815	0	4	90
	1814	0	9	30
	1813	0	0	74
	1812	0	2	75
	1811	0	0	40
	1810	0	11	22
	1797	0	4	63
	1796	0	2	28
	1795	0	1	33

1	2	3	4	5
	1798	0	1	29
	1792	0	1	29
	1791	0	3	30
	1793	0	0	79
	1790	0	2	37
	1789	0	2	72
	1788	0	3	54
	2443	0	0	40
	1787	0	1	66
	1786	0	1	17
	1785	0	0	40
	2445	0	16	56
	2446	0	2	82
	2447	0	1	15
	2444	0	0	40
	2448	0	8	76
	2435	0	2	92
	2465	0	0	40
	2464	0	1	61
	2463	0	4	78
	2459	0	1	11
	2460	0	1	94
	2462	0	3	0
	2476	0	1	24
	2475	0	4	25
	2480	0	11	49
	2481	0	4	90
	2482	0	5	45
	2483	0	0	40
	2484	0	8	3
	2485	0	0	96
	3146	0	5	68
	3145	0	16	72
	3144	0	7	79
	2983	0	1	27
	3143	0	6	8
	3142	0	2	63
	2984	0	7	90
	3135	0	14	23
	3134	0	2	83
	3127	0	1	90
	3128	0	2	18
	3129	0	3	70
	3806	0	3	54

1	2	3	4	5
	3130	0	3	43
	3120	0	13	41
	3113	0	5	45
	3821	0	2	45
	3112	0	2	29
	3111	0	5	17
	3110	0	0	40
	3107	0	3	28
	3103	0	7	12
	3104	0	2	72
	3105	0	3	16
	3345	0	0	40
	3346	0	1	90
	3347	0	2	18
	3348	0	3	43
	3328	0	10	11
	3329	0	3	3
	3344	0	8	3
	3330	0	10	18
	3327	0	0	40
बरहपुर	1	0	24	36
	4	0	7	63
	5	0	5	71
	6	0	2	45
	7	0	4	19
	11	0	4	20
	12	0	3	81
	16	0	3	27
	15	0	2	72
	20	0	5	72
	22	0	3	27
	23	0	4	74
	24	0	4	90
	25	0	9	3
	127	0	3	35
	126	0	1	13
	124	0	2	42
	123	0	3	88
	130	0	0	76
	131	0	3	69
	132	0	10	12
	122	0	2	77
	135	0	0	69

1	2	3	4	5
	136	0	11	12
	138	0	0	62
	108	0	1	66
	107	0	15	89
	103	0	3	0
	106	0	0	40
	140	0	7	66
	144	0	2	40
	145	0	0	40
	143	0	3	0
	177	0	2	35
	174	0	8	34
	175	0	1	78
	173	0	8	35
	172	0	2	44
	184	0	10	19
	183	0	0	97
	186	0	1	57
	187	0	0	40
	188	0	3	90
	189	0	4	20
	190	0	3	32
	191	0	4	63
	195	0	3	51
	196	0	2	28
	859	0	12	31
	860	0	0	40
	856	0	3	32
	854	0	5	51
	853	0	1	39
	803	0	0	40
	805	0	9	20
	806	0	0	83
	817	0	7	82
	816	0	0	62
	807	0	0	40
	808	0	6	48
	809	0	0	76
मोर	2327	0	2	21
	2337	0	0	40
	2737	0	0	40
	2338	0	0	97
	2339	0	1	87

1	2	3	4	5
	2340	0	2	86
	2343	0	12	59
	2344	0	0	64
	2345	0	5	17
	2346	0	1	90
	2348	0	14	17
	2288	0	0	40
	2357	0	56	95
	2358	0	33	67
	2360	0	11	22
	2734	0	5	59
	2733	0	9	74
	2730	0	40	25
	2729	0	21	90
	2790	0	12	3
	2792	0	2	26
	2793	0	0	40
	2797	0	15	60
	2771	0	2	72
	2859	0	6	46
	2860	0	1	80
	3935	0	1	99
	3934	0	2	99
	3936	0	4	19
	3937	0	22	67
	3967	0	7	91
	3966	0	0	64
	3968	0	0	40
	3977	0	7	59
	3974	0	7	41
	3973	0	7	66
	3989	0	3	54
	3991	0	2	54
	3988	0	0	40
	3986	0	4	65
	3992	0	10	88
	3984	0	0	40
	3997	0	1	41
	3998	0	0	52
	3999	0	2	29
	4005	0	3	27
	4006	0	2	63
	4021	0	5	72
	4023	0	23	45

1	2	3	4	5
	4022	0	2	28
	4014	0	10	81
	4032	0	2	7
	4033	0	7	35
	4045	0	0	83
	4046	0	4	16
	4047	0	2	54
	4048	0	7	49
	4049	0	6	81
	4053	0	2	18
	4054	0	5	45
	4056	0	0	40
सुलतानपुर	925	0	45	45
	933	0	9	30
	934	0	7	85
	935	0	6	68
	909	0	12	94
	908	0	1	1
	910	0	3	0
	911	0	3	30
	912	0	4	94
	703	0	2	77
	695	0	3	33
	671	0	3	88
	670	0	4	62
	669	0	0	40
	668	0	3	46
	667	0	2	91
	664	0	0	40
	657	0	1	50
	1148	0	1	72
	658	0	9	59
	659	0	1	24
	655	0	0	48
	654	0	4	26
	660	0	0	40
	661	0	0	40
	652	0	10	81
	651	0	0	74
	654	0	1	20
	650	0	2	45
	409	0	2	40
	408	0	2	96

1	2	3	4	5
	413	0	7	66
	412	0	8	22
	418	0	4	41
	454	0	0	97
	453	0	4	11
	459	0	4	90
	458	0	9	70
	460	0	2	42
	461	0	0	66
	462	0	5	86
	464	0	6	91
	479	0	14	92
	480	0	2	40
	478	0	0	53
	481	0	1	19
	482	0	1	94
	485	0	11	77
औटा	3349	0	4	25
	3350	0	4	45
	3351	0	5	51
	3352	0	5	55
	3353	0	4	16
	3354	0	8	54
	3348	0	1	29
	3324	0	4	46
	3321	0	3	32
	3320	0	1	90
	3317	0	2	18
	3316	0	1	29
	3315	0	0	81
	3306	0	6	32
	3307	0	0	40
	3303	0	3	97
	3302	0	3	68
	3296	0	12	30
	3297	0	0	40
	3298	0	0	40
	3299	0	0	40
	3300	0	0	40
	3301	0	1	1
	3481	0	1	61
	3486	0	2	91
	3487	0	3	49

1	2	3	4	5
	3489	0	4	61
	3490	0	1	57
	3491	0	2	46
	3216	0	18	72
	3224	0	5	1
	3225	0	3	0
	3226	0	1	69
	3229	0	6	59
	3231	0	2	44
	3232	0	2	3
	3233	0	2	38
	3234	0	5	12
	3236	0	4	58
	3238	0	1	61
	3239	0	0	40
	3240	0	0	40
	3241	0	0	40
	3242	0	0	40
	3243	0	1	74
	3244	0	1	63
	3245	0	0	40
	3246	0	6	56
	3247	0	0	56
	3165	0	0	40
	2884	0	0	40
	2886	0	6	44
	2887	0	7	65
	2883	0	0	91
	2889	0	5	13
घिनतामनचक	1	0	0	40
	2	0	3	62
	5	0	2	72
	7	0	7	11
	8	0	6	54
	23	0	3	4
	24	0	5	58
	25	0	10	95
	26	0	8	73
	27	0	1	66
	28	0	4	99
	29	0	0	99
	30	0	2	72
	70	0	0	40

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	34	0	6	30
	33	0	0	40
	41	0	5	81
	42	0	0	55
	642	0	25	18
	643	0	7	84
	641	0	2	21
	612	0	4	43
	611	0	1	84
	610	0	2	94
	608	0	1	94
	644	0	16	13
	607	0	2	37
	670	0	2	70
	671	0	1	90
	672	0	1	63
	678	0	3	15
	604	0	6	4
	603	0	7	25
	679	0	3	6
	690	0	4	71
	691	0	2	71
	692	0	2	33
	693	0	6	67
	695	0	18	72
	711	0	10	93
	721	0	3	65
	720	0	3	54
	780	0	3	59
	781	0	1	82
	778	0	2	65
	777	0	7	66
	776	0	6	81
	775	0	7	90
	774	0	2	45
	773	0	3	27
	772	0	3	0
	765	0	3	81
	770	0	12	31
	769	0	7	47
	768	0	6	18
	2237	0	15	16
	2236	0	8	21
	2235	0	8	55

1	2	3	4	5
	2234	0	15	16
	2242	0	4	36
	2243	0	10	67
	2245	0	10	67
	2247	0	2	72
	2248	0	7	22
	2254	0	8	21
	2255	0	6	27
	2494	0	4	47
	2493	0	4	36
	2497	0	3	27
	2498	0	4	19
	2500	0	5	17
	2503	0	2	7
	2504	0	2	51
	2485	0	5	72
	2484	0	3	27
	2482	0	3	54
	2481	0	1	42
	2480	0	0	40
	2479	0	4	82
	2476	0	16	97
	2475	0	1	63
	2474	0	4	38
	2940	0	4	41
	2941	0	1	96
	2942	0	2	67
	2945	0	2	72
	2970	0	4	8
	2948	0	0	40
	2949	0	0	40
	2969	0	3	81
	2968	0	3	83
	2958	0	0	40
	2959	0	0	46
	2961	0	1	16
	2962	0	1	80
	2967	0	2	34
	2966	0	1	83
	2965	0	1	74
	2903	0	4	36
	2904	0	4	36
	2906	0	8	17
	2907	0	4	90

1	2	3	4	5
	2908	0	3	21
	2884	0	0	40
	2810	0	2	61
	2811	0	3	27
	2812	0	2	45
	2813	0	3	10
	2814	0	0	40
	2861	0	4	41
	2860	0	4	36
	2859	0	2	64
	2858	0	1	15
	2857	0	1	13
	2856	0	2	78
	2846	0	1	5
	2845	0	1	29
	2818	0	0	89
	2819	0	1	7
	2824	0	0	67
	2827	0	0	55
	2828	0	0	51
	2817	0	3	81
	2800	0	1	78
	2799	0	2	29
	2798	0	4	36
	2797	0	4	36
	2791	0	8	76
	2787	0	16	70
मोकामा खास	909	0	5	19
	916	0	3	80
	917	0	3	81
	918	0	3	14
	919	0	0	40
	921	0	4	58
	923	0	0	40
	928	0	0	40
	929	0	5	40
	930	0	0	97
	927	0	7	85

1	2	3	4	5
	931	0	7	86
	936	0	0	40
	933	0	5	50
	932	0	4	50
	934	0	0	97
	1006	0	0	40
	1007	0	6	57
	1012	0	0	40
	1013	0	8	81
	1014	0	4	32
	1025	0	1	29
	1024	0	3	90
	1023	0	0	55
	1031	0	2	45
	1032	0	3	93
	1033	0	1	6
	6013	0	1	73
	1091	0	7	11
	1090	0	2	73
	1087	0	9	58
	1081	0	5	59
	1080	0	2	36
	1079	0	0	40
	1082	0	9	17
	1083	0	5	1
	1073	0	3	56
	1072	0	0	97
	1070	0	4	43
	1043	0	2	45
	1044	0	2	7
	1069	0	0	40
	1068	0	3	54
	1067	0	4	63
	1065	0	0	40
	1066	0	4	16
गोसाई गौव	1208	0	6	77
	1209	0	53	95
	1215	0	21	42

1	2	3	4	5
	1216	0	7	36
	1217	0	9	85
	1218	0	16	15
	1219	0	8	48
	1224	0	81	32
	1246	0	10	95
	1257	0	2	39
	1258	0	2	98
	1259	0	5	15
	1262	0	18	7
	1283	0	12	32
	1287	0	3	68
	1288	0	0	40
	1289	0	2	14
	1292	0	1	77
	1293	0	5	31
	1299	0	2	8
	1748	0	7	37
	1298	0	4	16
	1320	0	0	40
	1319	0	9	60
	1304	0	5	34
	1305	0	7	16
	1306	0	0	40
	1318	0	1	52
	1313	0	12	73
	1309	0	12	75
	1310	0	0	40
	586	0	1	36

[संख्या - आर - 31015/53/ 2000 - ओ आर-I]

एस चन्द्रशेखर, अवर सचिव

New Delhi, the 30th January, 2001

S. O. 177.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products in the State of Bihar, a parallel product pipeline from Barauni to Patna along the existing Barauni - Kanpur Product Pipeline, should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Ram Chandra Bhagat, Competent Authority, Indian Oil Corporation Limited, Barauni - Kanpur Pipeline, Post Office - Dhelwan, via - Lohia Nagar, Sipara, Patna - 800020 (Bihar).

Schedule

Anchal - MOKAMA		District - PATNA		State-BIHAR	
Name of Village	Khasra No./ Plot.No	Area			
		Hectare	Are	Centiare	
1	2	3	4	5	
PACHMAHLA	201	0	7	48	
	205	0	27	55	
	210	0	2	19	
	220	0	2	42	
	219	0	3	30	
	218	0	3	12	
	213	0	2	8	
	214	0	1	48	
	215	0	0	40	
	81	0	3	38	
	80	0	3	51	
	79	0	0	92	
	76	0	3	69	
	74	0	1	70	
	73	0	9	17	
	75	0	2	21	
MEKRA	455	0	7	52	
	454	0	9	93	
	452	0	6	47	
	451	0	14	85	
	423	0	7	17	
	422	0	7	90	
	421	0	0	60	
	414	0	4	47	
	2273	0	3	70	
	2274	0	3	92	
	486	0	1	39	
	462	0	2	8	
	461	0	0	46	
	458	0	1	39	
	453	0	0	40	
	199	0	1	59	
	198	0	5	40	
	197	0	5	34	
	196	0	3	54	
	195	0	0	40	
	182	0	3	42	
	183	0	4	83	
	184	0	2	88	

1	2	3	4	5
	185	0	1	55
	181	0	0	74
	186	0	5	23
	2337	0	0	40
	2336	0	3	99
	3502	0	8	82
	2348	0	3	60
	2350	0	0	56
	2331	0	6	57
	2330	0	5	75
	2329	0	1	58
	2328	0	3	85
	2327	0	2	58
	2326	0	3	0
	2325	0	2	63
	2324	0	1	85
	2496	0	19	44
	2497	0	8	58
	2502	0	1	29
	2503	0	2	63
	2504	0	3	9
	2505	0	0	41
	2506	0	2	77
	2507	0	1	86
	2508	0	1	88
	2509	0	1	73
	2510	0	2	26
	2511	0	3	10
	2512	0	0	40
	2513	0	3	56
	2514	0	0	69
	2515	0	3	81
	2516	0	4	36
	2517	0	2	77
	2519	0	2	73
	2533	0	0	40
	2534	0	4	62
	2535	0	7	25
	2536	0	6	81
	2537	0	3	49
	2538	0	0	40
	2539	0	0	40
	2540	0	5	0
	2541	0	0	40
	2542	0	8	90
	2543	0	0	40
	2544	0	1	69

1	2	3	4	5
	2545	0	0	92
	2547	0	4	16
	2548	0	4	4
	2549	0	0	40
	2550	0	0	40
	2551	0	2	49
	2552	0	2	21
	2553	0	2	51
	3505	0	2	51
	2554	0	1	4
	2560	0	1	57
	2559	0	0	40
	2556	0	7	63
	2555	0	3	35
	3316	0	2	79
	3315	0	4	5
	3314	0	0	40
	3319	0	1	94
	3320	0	2	26
	3321	0	8	17
	3322	0	0	98
	3323	0	2	61
	3324	0	0	40
	3325	0	3	5
	3326	0	0	46
	3327	0	1	66
	3328	0	2	70
	3329	0	0	40
	3330	0	0	85
	3331	0	1	21
	3332	0	1	39
	3334	0	1	39
	3335	0	0	58
	3356	0	5	45
	3357	0	1	27
	3358	0	1	11
	3359	0	0	40
	3348	0	0	40
	3349	0	4	8
	3350	0	2	26
	3354	0	0	40
KANHAIPUR	1209	0	3	69
	1210	0	1	94
	1211	0	0	40
	1595	0	6	84
	1596	0	2	29

1	2	3	4	5
	1597	0	0	56
	1599	0	0	40
	1223	0	0	46
	1225	0	0	52
	1226	0	0	40
	1594	0	0	40
	1593	0	1	94
	1592	0	1	61
	1591	0	0	52
	1590	0	4	43
	1228	0	1	80
	1229	0	1	1
	1230	0	0	97
	1231	0	0	40
	1589	0	2	91
	1588	0	1	39
	1587	0	0	40
	1586	0	7	8
	1585	0	0	40
	1579	0	2	77
	1507	0	4	63
	1508	0	1	26
	1506	0	1	14
	1505	0	0	40
	1504	0	0	50
	1503	0	3	7
	1509	0	2	75
	1577	0	0	40
	1502	0	1	87
	1512	0	0	58
	1513	0	0	40
	1501	0	0	51
	1500	0	1	4
	1499	0	0	97
	1498	0	1	16
	1497	0	0	40
	1496	0	0	83
	1495	0	0	40
	1494	0	0	40
	1493	0	1	74
	1492	0	1	87
	1487	0	0	97
	1486	0	2	11
	1485	0	1	48
	1484	0	1	97
	1483	0	0	46
	1482	0	3	3

1	2	3	4	5
	1481	0	0	40
	1479	0	0	40
	1477	0	1	36
	1476	0	0	40
	1474	0	0	83
	1478	0	0	80
	1473	0	1	10
	1472	0	0	40
	1461	0	2	73
	1460	0	1	91
	1459	0	2	73
	1458	0	2	21
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	1456	0	0	40
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	44	0	5	54
	45	0	0	46
	1610	0	1	73
	907	0	0	40
	792	0	1	50
	791	0	3	22
	789	0	2	86
	788	0	3	27
	787	0	0	83
	786	0	3	33
	785	0	0	40
	784	0	10	40
	783	0	3	87
	762	0	8	44
	761	0	0	40
	760	0	0	40
	759	0	0	56
	758	0	0	40
	757	0	0	72
	756	0	0	72
	754	0	9	81
	755	0	1	73
	764	0	1	77
	753	0	1	48
	752	0	2	70
	751	0	11	22
	723	0	7	36
	722	0	3	0
	721	0	3	54
	720	0	0	40
	719	0	7	8
	718	0	19	49

1	2	3	4	5
	1617	0	0	40
	1618	0	4	39
SEONAR	1905	0	3	54
	1906	0	2	56
	1907	0	7	8
	1908	0	8	16
	1909	0	0	40
	1910	0	7	63
	1911	0	8	48
	1912	0	0	40
	1903	0	0	74
	1899	0	13	95
	1898	0	1	29
	1895	0	3	27
	1894	0	3	45
	1893	0	3	90
	1892	0	4	32
	1891	0	0	40
	1887	0	8	48
	1886	0	9	30
	1885	0	2	72
	1827	0	8	89
	1829	0	3	81
	1830	0	3	51
	1831	0	0	40
	1832	0	3	0
	1833	0	5	79
	1837	0	0	40
	1836	0	0	40
	1835	0	0	40
	1834	0	3	31
	1821	0	0	40
	1822	0	0	40
	1820	0	7	38
	1818	0	0	74
	1819	0	3	29
	1817	0	5	45
	1815	0	4	90
	1814	0	9	30
	1813	0	0	74
	1812	0	2	75
	1811	0	0	40
	1810	0	11	22
	1797	0	4	63
	1796	0	2	28
	1795	0	1	33

1	2	3	4	5
	1798	0	1	29
	1792	0	1	29
	1791	0	3	30
	1793	0	0	79
	1790	0	2	37
	1789	0	2	72
	1788	0	3	54
	2443	0	0	40
	1787	0	1	66
	1786	0	1	17
	1785	0	0	40
	2445	0	16	56
	2446	0	2	82
	2447	0	1	15
	2444	0	0	40
	2448	0	8	76
	2435	0	2	92
	2465	0	0	40
	2464	0	1	61
	2463	0	4	78
	2459	0	1	11
	2460	0	1	94
	2462	0	3	0
	2476	0	1	24
	2475	0	4	25
	2480	0	11	49
	2481	0	4	90
	2482	0	5	45
	2483	0	0	40
	2484	0	8	3
	2485	0	0	96
	3146	0	5	68
	3145	0	16	72
	3144	0	7	79
	2983	0	1	27
	3143	0	6	8
	3142	0	2	63
	2984	0	7	90
	3135	0	14	23
	3134	0	2	83
	3127	0	1	90
	3128	0	2	18
	3129	0	3	70
	3806	0	3	54

1	2	3	4	5
	3130	0	3	43
	3120	0	13	41
	3113	0	5	45
	3821	0	2	45
	3112	0	2	29
	3111	0	5	17
	3110	0	0	40
	3107	0	3	28
	3103	0	7	12
	3104	0	2	72
	3105	0	3	16
	3345	0	0	40
	3346	0	1	90
	3347	0	2	18
	3348	0	3	43
	3328	0	10	11
	3329	0	3	3
	3344	0	8	3
	3330	0	10	18
	3327	0	0	40
BARAHPUR	1	0	24	36
	4	0	7	63
	5	0	5	71
	6	0	2	45
	7	0	4	19
	11	0	4	20
	12	0	3	81
	16	0	3	27
	15	0	2	72
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	126	0	1	13
	124	0	2	42
	123	0	3	88
	130	0	0	76
	131	0	3	69
	132	0	10	12
	122	0	2	77
	135	0	0	69

1	2	3	4	5
	136	0	11	12
	138	0	0	62
	108	0	1	66
	107	0	15	89
	103	0	3	0
	106	0	0	40
	140	0	7	66
	144	0	2	40
	145	0	0	40
	143	0	3	0
	177	0	2	35
	174	0	8	34
	175	0	1	78
	173	0	8	35
	172	0	2	44
	184	0	10	19
	183	0	0	97
	186	0	1	57
	187	0	0	40
	188	0	3	90
	189	0	4	20
	190	0	3	32
	191	0	4	63
	195	0	3	51
	196	0	2	28
	859	0	12	31
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	856	0	3	32
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	853	0	1	39
	803	0	0	40
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	817	0	7	82
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	807	0	0	40
	808	0	6	48
	809	0	0	76
MOR	2327	0	2	21
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	2737	0	0	40
	2338	0	0	97
	2339	0	1	87

1	2	3	4	5
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	2345	0	5	17
	2346	0	1	90
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	2288	0	0	40
	2357	0	56	95
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	2360	0	11	22
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	2733	0	9	74
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	2860	0	1	80
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	3936	0	4	19
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	3968	0	0	40
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	3974	0	7	41
	3973	0	7	66
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	4005	0	3	27
	4006	0	2	63
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	4023	0	23	45

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	670	0	4	62
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	667	0	2	91
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	453	0	4	11
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	461	0	0	66
	462	0	5	86
	464	0	6	91
	479	0	14	92
	480	0	2	40
	478	0	0	53
	481	0	1	19
	482	0	1	94
	485	0	11	77
AUTA	3349	0	4	25
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	3324	0	4	46
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	3320	0	1	90
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	3316	0	1	29
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	3481	0	1	61
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	3487	0	3	49

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	3490	0	1	57
	3491	0	2	46
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	3231	0	2	44
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	3233	0	2	38
	3234	0	5	12
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	3238	0	1	61
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	2236	0	8	21
	2235	0	8	55

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	2245	0	10	67
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	2248	0	7	22
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	2485	0	5	72
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	2480	0	0	40
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	2940	0	4	41
	2941	0	1	96
	2942	0	2	67
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	2970	0	4	8
	2948	0	0	40
	2949	0	0	40
	2969	0	3	81
	2968	0	3	83
	2958	0	0	40
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	2962	0	1	80
	2967	0	2	34
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	2965	0	1	74
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	2819	0	1	7
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	2817	0	3	81
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	2798	0	4	36
	2797	0	4	36
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MOKAMA KHAS	909	0	5	19
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	918	0	3	14
	919	0	0	40
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	923	0	0	40
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	1012	0	0	40
	1013	0	8	81
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	1025	0	1	29
	1024	0	3	90
	1023	0	0	55
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	1033	0	1	6
	6013	0	1	73
	1091	0	7	11
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	1043	0	2	45
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	1069	0	0	40
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	1067	0	4	63
	1065	0	3	40
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GOSHAINGAON	1208	0	6	77
	1209	0	53	95
	1215	0	21	42

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	1224	0	81	32
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	1259	0	5	15
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	1287	0	3	68
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	1292	0	1	77
	1293	0	5	31
	1299	0	2	8
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	1320	0	0	40
	1319	0	9	60
	1304	0	5	34
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	1306	0	0	40
	1318	0	1	52
	1313	0	12	73
	1309	0	12	75
	1310	0	0	40
DARIAPUR	586	0	1	36

FILE NO. R-31015/53/2000-OR-I
S. CHANDRASHEKHAR, UNDER SECY.

श्रम मंत्रालय

नई दिल्ली, 21 दिसम्बर, 2001

का. आ. 178.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय वारंगल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-12-2000 को प्राप्त हुआ था।

[सं. एल—12025/1/2000-आई आर (बी- II)]

सी. गंगाधरन, अवसर सचिव

MINISTRY OF LABOUR

New Delhi, the 21st December, 2001

S.O. 178.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Warangal as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 5-12-2000.

[No. L-12025/1/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, AT WARANGAL

PRESENTS :

Sri V. Appalanarasimham, B.Sc., B.L., Judge.

Wednesday, the 23rd day of August, 2000.

CENTRAL INDUSTRIAL DISPUTE No. 57 of
1996

BETWEEN

A.O. Jeelani, S/o Md. Ghouse,
H. No. 45-532, Moula Ali Railway Quarters,
Prashanth Nagar,
Secunderabad-47.

Petitioner.

AND

1. The Manager,
Syndicate Bank,
Hanamkonda Branch.
2. The Divisional Manager,
Syndicate Bank,
6-3-653, Somajiguda, Hyderabad.
3. The Asst. General Manager,
Syndicate Bank, Zonal Office,
6-3-653, Homajiguda, Hyderabad.
4. The General Manager,
Syndicate Bank, Personnel Wing,
Manipal.

5. The Executive Director,
Syndicate Bank, Manipal.6. The Managing Director,
Syndicate Bank, Manipal.

.. Respondents.

This Industrial Dispute coming on before me for final hearing on 13-7-2000 upon perusing the petition, counter and domestic enquiry report and all other material papers on record and upon hearing the arguments of Sri K. Pashupathy Eshwaranath, Advocate for the petitioner and respondents 1 to 6 being set ex-parte, the matter having stood over for consideration till this day the court passed the following :—

AWARD

The petitioner file this petition under Section 2-A(2) of I.D. Act to set aside the removal order dt. 29-7-1994 against the petitioner and to direct the respondents to reinstate the petitioner into service with all benefits.

2. The brief averments in the petition filed by the petitioner are as follows :—The petitioner was appointed as a clerk in the Syndicate Bank on 15-6-1968. He was promoted as Special Assistant. While the petitioner was working in the branch of 1st respondent, he was issued charge sheet dated 13-11-1992 with six charges. Petitioner has given explanation to the charge sheet. Domestic enquiry was conducted against the petitioner. Fair and reasonable opportunity was not given to the petitioner in domestic enquiry. Enquiry Officer failed to appreciate the evidence on behalf of the petitioner in domestic enquiry. The enquiry report is based as full of irregularities. The enquiry officer failed to appreciate the evidence in correct lines. Enquiry Officer failed to consider the evidence of D.W.-2 and D.W.-3, who supported the case of the petitioner. Basing on the enquiry report, petitioner was dismissed from service on 29-7-1994. The appeal filed by the petitioner was rejected. The dismissal order against the petitioner is illegal. So, this petition is filed to set aside the removal order against the petitioner and for reinstatement with all benefits. Hence the petition.

3. The brief averments in the counter filed by the respondents are as follows :—The material averments in the petition are not true and correct. Petitioner was issued charge sheet for issuing pay orders without any amount to the credit of the person in whose favour four pay orders were issued. Petitioner misappropriated amount to a tune of Rs. 1,10,191 by issuing of those four pay orders. The petitioner himself reimbursed an amount of Rs. 1,05,500 on four different dates by filling up and signing the pay slips. Fair and reasonable opportunity was given to the petitioner in domestic enquiry. Enquiry Officer found the charges as proved with material on record. For the proved mis-conduct, dismissal of petitioner from service is just and reasonable. The said punishment is not disproportionate to the proved mis-conduct against the petitioner. There are no merits in the petition. Petitioner is not entitled for any relief. The petition is liable to be dismissed.

4. At the time of the arguments, respondents remained ex-parte. Advocates on behalf of the respondents failed to attend. This Tribunal to address arguments on behalf of the respondents. Arguments on behalf of the petitioner are heard.

5. On the above pleadings, there are three points for consideration:—

- (1) Whether the petitioner was given fair and reasonable opportunity during the domestic enquiry?
- (2) Whether the charges framed against the petitioner are proved, according to law and material on record?
- (3) Whether the punishment imposed against the petitioner in domestic enquiry is disproportionate to the charges proved against the petitioner in the given facts of the matter?

6. POINT No. 1 :—Domestic enquiry file received by this Tribunal is perused. The petitioner participated in the domestic enquiry and cross examined the management witnesses with reference to the documents. Petitioner also examined two witnesses on his behalf besides himself as D.W.-1. Enquiry Officer has given opportunity for the petitioner to address arguments. After giving fair and reasonable opportunity, domestic enquiry was conducted against the petitioner. Point No. 1 is answered accordingly.

7. POINT No. 2.—Charge Nos. 1 to 4 are for issue of pay orders for the amounts stated therein by the petitioner without receiving any credit by way of cash or transfer in respect of said pay orders on different dates, as fully stated in the respective charges. Charge No. 5 is for mis-appropriation of the amount covered by above four pay orders and for wrong certification in the accounts of the Bank in relation to the said pay orders. Charge No. 6 is for recovery of balance amount of Rs. 4,691 as overdue interest from the petitioner after accepting reimbursement of Rs. 1,05,500 deposited by the petitioner out of the loss caused to the Bank to a tune of Rs. 1,10,191 covered by four pay orders.

8. The advocate for the petitioner relied upon the decision reported in 1999 (5)-ALT-450-(Divisional Manager, APSRTC., Adilabad and another Vs. E. Raga Reddy and another). It is held in the above decision that Industrial Tribunal/Labour Court is competent to re-appreciate the evidence to come to a right conclusion in relation to the charge against the workman in domestic enquiry.

9. The petitioner was charged for issue of four pay orders aggregating a sum of Rs. 1,10,191 during the period between 1-1-1991 to 31-12-91 as Special Assistant at Hanamkonda-Warangal Branch of Syndicate Bank. As per the charges, the above pay orders were issued by the petitioner without receiving any credit in respect of above pay orders either by cash or by transfer, which resulted in financial loss to the Bank to that amount covered by pay orders. The said irregularity would amount as misconduct on the part of the petitioner. In the explanation to the charge sheet, the petitioner stated that

he issued pay order for Rs. 1,405 (MEX-1) favouring SRTA., Warangal and handed to S. Ravinder, who is the customer of the Bank. He further stated in the explanation that he informed the said fact to the Manager, when the balance was not tallied. He further stated in the explanation that the above order was issued in hurried moment and with an intention to serve the customer better without delay.

In respect of other three pay orders (MEX-6, 11 and 17), the petitioner stated in his explanation he issued those pay orders as per the instructions of the Manager (M. W-1) without observing the normal procedure. The petitioner alleged friendship and financial dealings between the manager and M.A. Rab (D.W.-2) in whose favour the above three pay orders were issued. So in the explanation to the charge sheet itself, the petitioner categorically admitted issue of four pay orders in question by him without depositing of amount by cash or credit and without following the procedure for issue of pay orders. The admission of petitioner in his explanation itself is sufficient to prove the irregularity committed by the petitioner in issuing those pay orders. The personal difficulties or problems of the petitioner are absolutely irrelevant and the petitioner is bound to be diligent by all means while discharging duties in Nationalised Bank to serve people.

10. In the domestic enquiry, the four pay orders are marked as MEX-1, 6, 11 and 17. The management witnesses M.Ws-1 to 3 clearly deposed the irregularity committed by the petitioner in issuing those four pay orders and the manipulation done by the petitioner in making wrong entries in the relevant registers. Their evidence is with reference to the documents marked as MEXs-1 to 40 in domestic enquiry. M.W-1 categorically denied more than one time in cross-examination about his financial dealings in any manner with D.W.-2, in whose favour MEX-6, 11 and 17 were issued. The petitioner is examined as D.W.-1 in domestic enquiry. Petitioner examined D.Ws-2 and 3 on his behalf. Exs. DEX-1 to 3 are marked on behalf of the petitioner in domestic enquiry.

11. During evidence in domestic enquiry, D.W.-1 admitted that there shall be credit either by cash or transfer and then only pay orders can be issued. D.W.-1 further deposed that when pay order is issued, it should be recorded in the pay order issued register and after closure of the business hours, all cash, and credit slips have to be tallied and figure has to be carried out through O.G. 167 and that total debit towards pay orders paid has to be carried to O.G. 167 and the same figure has to be reflected in OG-1. When D.W-1 was questioned in cross-examination whether he followed the above procedure for issue of these four pay orders, he replied that he followed the instructions of the Manager (MW-1). D.W.-1 intentionally avoided to answers question No. 4, directly. It clearly shows arrogance of the petitioner and his intelligence and talented way of his discharging duties in the bank. There is absolutely no acceptable evidence in domestic enquiry in support of the stand taken by the petitioner that he issued the four pay orders, only as per the instructions of M.W.-1. In relation to MEX-1 pay order, D.W.-1 admitted

in his explanation to the charge sheet that he issued said pay order to serve customer better by handing over the said pay order to one S. Ravinder, without any credit by way of cash or transfer. During evidence in domestic enquiry, D.W-1 deposed as if he issued Ex. MEX-1 pay order also as per the instructions of M.W-1. As rightly observed by the enquiry officer, the stand taken by the petitioner for pay order MEX-1 is in consistent and contradictory at different stages. It would only reflect mala fide intention of the petitioner to throw blame on M.W-1 for the irregularity committed by him, while issuing these four pay orders. The evidence of D.W-1 is sufficient to hold that he has not followed the prescribed procedure for issue of the pay orders MEX-1, 6, 11 and 17 and as such, the said issue of pay orders without any credit in favour of the payee of pay orders by cash or transfer, is an irregularity committed by the petitioner with full knowledge. It resulted in financial loss to the Bank and so the said irregularity would amount to mis-conduct. The answer of D.W-1 to question No. 12 in domestic enquiry is sufficient to believe that he paid the amount covered by MEX-6, when it came for payment through clearing, eventhough the said pay order did not contain signature of the Manager. The evidence of D.W-1 that Manager informed him that he need not worry and he would sign it later, cannot be believed to be true. D.W-1 admitted that it is his duty to verify and ensure that credit is issued by the Bank by way of cash or transfer while issuing pay orders and that he did not do it, because of heavy work load. It is not an excuse. It is nothing but gross negligence and irresponsibility discharge of duties by the petitioner, amounting to mis-conduct. It is the petitioner who attempted to throw every blame on M.W-1 to protect himself from the irregularities committed by him in issuing these four pay orders. The petitioner himself deposited amounts by cash to a tune of Rs. 1,05,500 on four different dates. Petitioner himself filled up payment slips as MEX-31, 33, 35 and 37 on 15-6-92, 22-6-92, 27-6-92 and 6-7-92 respectively and deposited the amounts as noted therein. DW-1 admitted that he prepared and signed the above pay slips for depositing said amount. But he stated that he did so as per the instructions of M.W-1. There is absolutely no evidence to say that M.W-1 instructed the petitioner to deposit the amounts as above on different dates. The said evidence of D.W-1 is to defend himself and to throw mud on M.W-1. The theory of the petitioner, that at all times he bluntly followed the instructions of M.W-1 which are illegal and against the procedure to be followed in the Bank, cannot be believed to be true. When it came to light that accounts were not tallied, petitioner is expected to be diligent, at least when major portion of the amount covered by pay orders is being deposited. The theory of petitioner that he blindly followed the instructions of M.W-1 and filled up MEX-31, 33, 35 and 37 is nothing but false.

12. DW-2 is M.A. Reh for whose benefit the pay orders MEX-6, 11 and 17 were issued. D.W-2 admitted that he has no account in the branch of Syndicate Bank, where these transactions took place. There is absolutely no basis for the evidence of D.W-2 about his cash dealings with M.W-1. On

a close scrutiny of the evidence of M.W-2, this Tribunal has no hesitation to hold that DW-2 deposed before enquiry officer in such manner only to help the petitioner to come out of the charges. DW-2 admitted that he received the proceeds of the three pay orders, MEX-6, 11 and 17. The evidence of M.W-2 that he handed over cash on different dates to M.W-1 by keeping on the table and left, is nothing, but false. The above evidence is only to substantiate the defence stand taken by the petitioner. DW-2 admitted that the petitioner (DW-1) stood as guarantor for him alongwith some other staff for his Chit from M/s. Warangal Chit Funds in 1991. The above evidence is sufficient to believe the friendship and understandings between DW-2 and DW-1 since 1991. However there is no scrap of paper to prove any type of money dealings between DW-2 and M.W-1. So the evidence of DW-2, that MW-1 only handed over the pay orders MEX-6, 11 and 17 is nothing, but false. So also his evidence that he handed over cash to M.W-1 on four different dates is nothing, but false. If the said amount was paid by DW-2 to M.W-1 on four different dates, there was no necessity or obligation for DW-1 to fill up the pay slips MEX-31, 33, 35 and 37 in his own hand-writing and signatures. The above circumstances would support the theory of the management that petitioner only reimbursed the amount under Exs. MEX-31, 33, 35 and 37 and not anybody else, muchless DW-2. The evidence of DW-2 is interested to support the defence of the petitioner because of interse dealings, friendship and understanding between DW-1 and DW-2 since 1991. So the evidence of DW-2 cannot be accepted as trust-worthy. DW-3 supported the claim of the petitioner to some extent for the reasons best known to him. On perusal of evidence of DW-3, his evidence is not sufficient to prove that DW-2 only deposited the amount under Exs. MEX-31, 33, 35 and 37. When the evidence of D.W-2 is found as not trust-worthy, the evidence of DW-3 also is liable to be thrown out as false. Management filed MEX-39 as confessional letter said to have been issued by the petitioner by admitting the irregularities covered by the charges. On appreciating the material on record, the enquiry officer found that MEX-39 was not given by the petitioner voluntarily. This Tribunal also perused the contents of MEX-39. MEX-39 contains some facts, which are not expected to be stated by the petitioner in the confessional letter. The said letter might have been prepared in such as attempt to prove the nexus between the petitioner and DW-2. On perusal of the contents of the letter MEX-39, this Tribunal also has no hesitation to hold that petitioner was not made any confession voluntarily as mentioned in Ex. MEX-39. So MEX-39 shall not be looked into for any purpose. Enquiry Officer also examined other evidence only to give findings on the charges. The findings of the enquiry officer are not based on MEX-39. This Tribunal also examined the material on record, excluding MEX-39.

13. The enquiry officer correctly appreciated the evidence of M.W. s-1 to 3, supported by documentary evidence. The enquiry officer has given clear reasoning on appreciation of the evidence, to discard the evidence of

D.W-2 and D.W-3. Enquiry Officer also rightly observed the inconsistent stand taken by the petitioner from the stage of explanation to the charge sheet to the stage of his evidence as D.W-1. The admissions of D.W-1 are more than sufficient to hold that he issued these four pay orders knowingly without following the procedure and without any credit on the respective dates either by way of cash or transfer. The petitioner knowingly committed the irregularities with full knowledge of consequences. Petitioner cannot escape from the liability, by taking the plea that he did everything in this transaction only as per the instructions of M.W-1. D.W-1 admitted that he has not followed the procedure for issuing these four pay orders. When any instructions are given by M.W-1, even supposing such instructions are given, D.W-1 should not follow such instructions blindly, when they are not legal particularly when such instructions involved financial commitment and liability. The conduct of the petitioner by committing irregularities as per the illegal instructions of superior officer itself would amount to mis-conduct, liable for disciplinary action. The findings of the enquiry officer are fully supported by oral and documentary evidence, circumstances and admissions of the petitioner himself. On re-appreciation of evidence in domestic enquiry, this Tribunal has no hesitation to hold that all the charges framed against the petitioner are proved satisfactorily and so the findings of the enquiry officer against the petitioner are confirmed. Point No. 2 is answered accordingly.

14. POINT No. 3 :—It is held in the decision reported in 1999 (5)-ALT-450—that Industrial Tribunal/Labour Court is competent to impose lesser punishment for reasons to be recorded in writing.

15. This is a case where the petitioner indulged in issue of four pay orders involving total amount of Rs. 1,10,191/- Petitioner himself deposited Rs. 1,05,500/- out of the said amount. All the charges are found as proved against the petitioner. The mis-conduct proved against the petitioner is grave in nature. It is not at all a fit case to take any lenient view in awarding punishment for the proved mis-conduct, which is grave in nature. This Tribunal cannot give any valid reasons for giving lesser punishment than removal from service. It is a deserving case to award

punishment of removal in public interest. Therefore, this Tribunal has no hesitation to hold that punishment of removal of the petitioner from service for proved mis-conduct is proportionate and reasonable and so it shall not be interfered with by this Tribunal. So, punishment of removal imposed against the petitioner shall be confirmed. Point No. 3 is answered accordingly

15. In the result an award is passed and the punishment of removal of petitioner vide proceedings dt. 29-7-1994 is confirmed. Petition is dismissed accordingly. This award shall become enforceable on expiry of 30 days from the date of its publication under section 17 of I.D. Act by virtue of the powers conferred Under Section 17-A(1) of the Act.

Dictated to stenographer and transcribed by him, corrected and pronounced by me in the open court and given under my hand and seal of this court on 23rd day of August, 2000.

V. APPALANARASIMHAM, Judge

APPENDIX OF EVIDENCE :

WITNESSES EXAMINED :

No oral or documentary evidence is adduced on either side..

नई दिल्ली, 8 जनवरी, 2001

का. आ. 179.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-01-2001 को प्राप्त हुआ था।

[सं. एल-12012/98/93-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

New Delhi, the 8th January, 2001

S.O. 179.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 5-1-2001.

[No. L-12012/98/98-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT-20/2000

Employers in relation to the management of The Regional Manager, Bank of India.

AND

Their workman Shri Ahmad N. Khan.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial dispute Act, 1947 has referred this dispute for adjudication vide order No. L-12012/98/IR(B-II) dated 20-07-1998 on the following schedule :

SCHEDULE

"Whether the action of the management of Bank of India in dismissing the services of Shri Ahmad N. Khan, Sub-staff part time Sweeper vide order of Punishment No. CRO/PERS/P/2619 dated 31-3-97 is legal and justified? If not, to what relief the said workman is entitled?"

The brief facts are that Shri Ahmed N. Khan was appointed as Sub-staff Part-time Sweeper in Sironcha branch. He was chargesheeted for his misconduct.

On 16-9-91 he fraudulently withdrew Rs. 1900 from S. B. Account No. 2518 of Shri D. Bhaskar, Customer of the branch by using withdrawal slip. He himself wrote the withdrawal slip and forged signature of the account holder. On 18-9-91 he had again withdrawn Rs. 3000 from account No. 2844 of Smt. Sonari Durga and Master Sonari Somayya Jt. A/c. He used the withdrawal slip and prepared it in his own writing and forged the signature of Master Sonari Somayya. He thus used the withdrawal the slips and withdrew the above amounts.

The departmental enquiry was conducted against him. The charges were proved and he was dismissed from service on 31-3-1997.

Shri A. N. Khan died on 25-9-2000 in a road accident. The management had submitted a copy of Branch Managers report.

The workman did not appear in the court on 18-7-2000. The case was adjourned to 9-8-2000. On this date 9-8-2000 also the workman did not turn up. No documents have been filed by the workman or his union representative.

The case was again adjourned to 15-9-2000. Nobody turned upto conduct the case for the workman in the court. Again 18-10-2000 was fixed but nobody filed affidavit or any document in support of the claim of the workman. On 10-11-2000 the management submitted application that the workman had died in road accident on 25-9-2000.

On the file of the court there is Vakalatnama of Advocate A. Waleed Khan. The advocate also did not turn up in the court to conduct the case of the workman. 22-11-2000 was fixed for filing written arguments.

I have heard the arguments of Shri P. M. Pandit on 28-11-2000. Nobody turned upto argue the case for the workman.

From the circumstances discussed above and documents filed by management it is evident that workman had committed fraud and had withdrawn the amounts from the account of customer Shri D. Bhaskar and Master Sonari Somayya. The charges against the workman were therefore proved.

The workman Shri Ahmed N. Khan, Sub-staff Part-time Sweeper was therefore rightly dismissed from service.

ORDER

The action of the management of Bank of India in dismissing the services of Shri Ahmed N. Khan, Sub-staff, Part-time Sweeper vide order of punishment No. CRO/PERS/P/2619 dated 31-3-97 is legal and justified.

The reference is answered accordingly.

Dated : 29-11-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2001

का. आ. 180.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अथ न्यायालय जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-01-2001 को प्राप्त हुआ था।

[सं. एल-12012/345/91-आई आर (बी-II)]

सी. गंगाधरन, अवसर सचिव

New Delhi, the 8th January, 2001

S.O. 180.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court, Jabalpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 5-1-2001.

[No. L-12012/345/91-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Case No. CGIT/LC/R/2/92

PRESIDING OFFICER : SHRI K. M. RAI

Shri Munnalal Batham,
1/173, Sardarpura,
Behind Kamal Talkies,
Ujjain (M.P.)

... Applicant

Versus

The Regional Manager,
Bank of India,
18, Shanku Marg,
Ujjain.

Non-applicant

AWARD

Passed on this 11th day of December, 2000

1. The Government of India, Ministry of Labour vide order No. L-12012/345/91-IR(B-II) dated 31-12-91 has referred the following dispute for adjudication by this tribunal ;—

“Whether the action of the management of Bank of India, Ujjain in terminating the services of Shri Munnalal Bathem S/o Narayan Prasad is justified? If not, what relief is the workman entitled to ?”

2. The workman's case is that on 12-2-80, he was appointed as peon by the management after being duly selected by the selection committee. His pay was being regularly deposited in the Bank in his Account w.e.f. 3-3-80. He had submitted the fitness certificate issued by the Civil Surgeon as required by the management. He was getting wages at the rate of Rs. 13.50 per day. His services were illegally terminated by the management on 26-4-84. He had continuously worked more than 240 days in the office of management and even than he was removed from service without complying with the provisions of Sec. 25-F(a)(b) of the I.D. Act, 1947. Neither any notice nor retrenchment compensation was given to him while terminating his services w.e.f. 26-6-84. The junior persons employed in the bank were given regular employment by the bank and the workman was left aside. Neither any chargesheet was given to him nor any DE for misconduct was conducted against him prior to terminating his services. In this way the termination order is void which deserves to be quashed. He is entitled to regularisation with all consequential monetary benefits.

3. The case for the management is that the workman was engaged by the Bank as a badli seepoy on daily wage basis in leave vacancy caused by the absence of permanent member of sub-staff cadre. He was not an employee on regular basis in the sub-staff cadre in Ujjain. He has not continuously worked for 240 days in the Bank. He was given employment for a particular period on temporary basis in leave vacancy. He was never terminated by the bank. The workman himself stopped coming to the bank as he was not satisfied with the limited period of appointment given to him in leave vacancy. He wanted to get regular employment in the Bank for which there was no vacancy. He had never continuously worked for 240 days in the Bank and therefore he was not entitled to be given any notice or retrenchment compensation prior to his alleged termination of service. The Bank gives temporary employment in leave vacancy to those who are on badli pannel and those who are available for work. The Bank could not give him such employment because he himself stopped coming to the Bank. The provisions of para-507 of Shastri

Award any other provisions of rules have been violated by the Bank in not giving the regular employment to the workman. In view of all these facts, the workman is not entitled to any relief as claimed by him.

4. The points for determination in the case are as under :

(1) Whether the workman is entitled to get regular appointment in the Bank of India as claimed by him ?

(2) Relief and costs ?

5. Point No. 1.—It has been admitted by the workman in his statement that he was employed as badli seepoy by the Bank of India on 8-10-84. He has also admitted that he was performing his duty for a period of 15-18 days in a month for which the payment was done to him on the basis of daily wages. He was getting the employment on a temporary basis in leave vacancy for limited period only. He never continuously worked in the bank of India. He has also admitted that he was not satisfied with this job because he was not getting regular employment. He used to get the wages for the period he worked in the Bank. The workman has not been able to establish that he had continuously worked for 240 days in a year in the Bank and therefore he had attained status of regular employee. On the contrary, the management has filed the statement of the attendance of the workman as shown in Exhibit R-1 to R-3. This statement has not been rebutted by the workman by any evidence. In the absence of this fact, it is not possible to hold that the workman had continuously worked for 240 days in a year in the Bank. He was therefore not required to be served with any notice or any retrenchment compensation was to be paid to him prior to his alleged termination.

6. The workman has not filed any appointment order issued by the Bank to show that initially he was appointed as a peon. In the absence of this document, it will not be possible to accept his contention that initially he was employed as peon by the Bank. On the contrary his own admission goes to show that he was appointed as badli worker on a temporary basis for a limited period on daily wage basis. There was also no vacancy for the employment as peon in the Bank. In such a case, the workman cannot get any regular appointment when there was no vacancy in the Bank.

7. On the reasons stated above, it is held that the workman was not appointed as a peon on regular basis by the Bank. He had also not continuously worked for 240 days in a year for attaining the status of regular employee. Hence the workman is not entitled to get the regular employment in the Bank. Point No. 1 is answered accordingly.

8. Point No. 2.—In view of my finding given on point No. 1, the workman is not entitled to any relief as claimed by him.

9. On the foregoing reasons, the workman is not entitled to get any relief as claimed by him in the statement of his claim. The reference is accordingly answered in the favour of the management and against the workman. In the circumstances of the case, parties shall bear their own cost.

10. Copy of the award be sent to the Government of India, Ministry of Labour as per rules.

K. M. RAI, Presiding Officer

नई दिल्ली, 8 जनवरी, 2001

का. आ. 181.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संवर्धन नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-01-2001 को प्राप्त हुआ था।

[सं. एल-12011/26/99-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th January, 2001

S.O. 181.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 05-01-2001.

[No. L-12011/26/99-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT:

Shri E. G. Saxena, Presiding Officer.

Reference No. CGIT-9/99

Employers in relation to the management of Bank of India.

AND

Their workmen.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-12011/26/99/IR(B-II) dated 16-08-1999 on the following schedule:

SCHEDULE

"Whether the action of the management of Bank of India through its Zonal Manager, S. V. Patel Marg, Post Box No. 4, Nagpur in cancelling the leave already

sanctioned and deducting wages thereof from Shri S. S. Sambhare and others whose names are mentioned below is legal and proper? If not, what relief the affected workmen are entitled to?"

(1) S/Shri K. Jagadeesan, (2) Kishor Masrama, (3) Mohan Moharir, (4) D. D. Shivankar, (5) S. R. Tadse, (6) K. K. Borat, (7) S. S. Sambhare, (8) Mrs. B. Savithri, (9) Mrs. Suriya Ghose, (10) Mrs. Sunita Moharir.

The case was fixed for arguments today. Shri K. Jagadeesan, who had submitted the statement of claim for himself and nine others has moved an application today, that he does not want to proceed with the case. He has withdrawn the case. He represented that the matter has been settled. Shri K. Jagadeesan was contesting the case for himself and other workmen mentioned in the schedule represented himself as Ex Vice President, Bank of India Staff Union (Regd.), Nagpur.

Shri P. M. Pandit, Officer of the Bank of India was contesting this case for the management. He represented that he has no objection for the withdrawal of the claim.

In view of the above representation of the parties there is no dispute between the workmen and the management now.

The reference is disposed off accordingly.

ORDER

The workmen have withdrawn their claim and do not want to contest the case. The reference is therefore disposed off as no dispute exists between the parties.

The workmen are therefore not entitled to any relief.

The reference is answered accordingly.

Dated: 5-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2001

का. आ. 182.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संवर्धन नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-01-2001 को प्राप्त हुआ था।

[सं. एल-12011/47/98-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th January, 2001

S.O. 182.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 05-01-2001.

[No. L-12011/47/98-IR(B II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT:

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT-40/2000

Employers in relation to the management of Bank of India.

AND

New Delhi, the 8th January, 2001

Their workmen.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-12011/47/98/IR(B-II) dated 31-3-1999 on the following schedule :

SCHEDULE

"Whether the action of the management of Bank of India, Nagpur in withdrawing the special allowance of S/Shri K. Jagadeesan and M. D. Moharir for a period of 2 years and 5 years respectively and reducing one increment for two years to Shri K. H. Meshram with effect from 31-1-98 is legal and justified? If not, what relief the said workmen are entitled and from what date?"

In this reference Shri K. Jagadeesan, Shri M. D. Moharir and Shri K. H. Meshram has raised the dispute against the order of the management dated 31-1-98 for withdrawing special allowance to them. The special allowance was withdrawn from K. Jagadeesan and M. D. Moharir the period of 2 years and 5 years respectively and from K. H. Meshram the pay was reduced by one increment for two years. The statement of claim was submitted by Shri K. Jagadeesan, who was representing himself and other workmen also, as Ex-Vice President, Bank of India Staff Union. The case was fixed for final arguments today.

Shri K. Jagadeesan has moved an application today i.e. 05-12-2000 that he does not want to proceed with the case and has therefore withdrawn the dispute.

Shri P. M. Pandit, who is representing the Bank of India represented that he has no objection if the claim is withdrawn by the workman. The application for the withdrawal of the reference is therefore allowed.

In view of the above submissions of the parties there is no dispute between the workman and the management now.

ORDER

The workman has withdrawn the dispute and therefore does not want any relief. The reference is therefore disposed off for want of prosecution.

The workman is not entitled to any relief.

The reference is answered accordingly.

Dated: 5-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2001

का. आ. 183.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-01-2001 को प्राप्त हुआ था।

[सं. एल-12011/100/2000-आई आर (बी-II)]

सी. गंगाधरन, अवर सचिव

S.O. 183.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 05-01-2001.

[No. L-12011/100/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. CGIT-269/2000

Employers in relation to the management of Bank of Maharashtra.

AND

Their workman Shri A. L. Pande.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-12011/100/2000/IR(B-II) dated 22-08-2000 on the following schedule :

SCHEDULE

"Whether the action of the management of Bank of Maharashtra through its Regional Manager, Amravati Region, Amravati in not considering the application for request of transfer of Shri A. L. Pande from Loni Branch to Amravati since 28-7-1993 is legal, proper and justified, in terms of settlement? If not, what relief the said workman is entitled and from what date?"

This reference has been received from Government of India, Ministry of Labour vide order dated 22-08-2000. The notice was issued to both the parties. For Shri A. L. Pande, workman, his union representative Shri S. T. Sahasrabudhe, Vice President appeared. He represented that the Union of Maharashtra Bank Employees is not interested in contesting the case for workman, hence the statement of claim of the workman is not being submitted. He moved an application i.e. today on 04-12-2000 that the case be closed.

In the aforesaid case the workman had represented that he was not transferred from Loni Branch to Amravati.

Shri S. T. Sahasrabudhe represented that the workman is not interested in his transfer now. The representatives of the Bank of Maharashtra Shri Rajesh Kumar is also present. He told that the workman has withdrawn his claim and the matter has been settled between the management and the workman.

In the above circumstances no dispute exists between the workman and the management and the proceedings are dropped.

ORDER

As the workman does not want to contest the case and has not submitted any statement of claim, the reference is disposed off for want of prosecution. The workman is not entitled to any relief.

Dated: 4-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2001

का. आ. 184.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नागपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-01-2001 को प्राप्त हुआ था।

[सं. एल-12012/10/95-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 8th January, 2001

S.O. 184.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Nagpur as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workman, which was received by the Central Government on 5-1-2001.

[No. L-12012/10/95-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT:

Shri B. G. Saxena, Presiding Officer.
Reference No. CGIT-36/99

Employers in relation to the management of Bank of India.

AND

Their workman Shri K. Jagadeesan.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication vide order No. L-12012/10/95-IR(B-II) dated 21st October, 1999 on the following schedule:

SCHEDULE

"Whether the action of the management of Bank of India, Nagpur in imposing the penalty of withdrawal of special allowance permanently on Shri K. Jagadeesan. Spl. Asstt., vide their order dated 29-12-92 is legal and justified? If not, to what relief is the said workman entitled?"

In this case the workman Shri K. Jagadeesan had raised the dispute regarding the imposing of penalty of withdrawal of special allowance permanently which was being paid to him by the management of Bank of India. He had disputed the order dated 29-12-92 of the management.

Shri K. Jagadeesan, workman, today submitted an application that he does not want to proceed with the case. He therefore, does not press the dispute further. He, therefore, does not want any relief.

The representative of the Bank of India, Shri P. M. Pandit represented that he has no objection for the withdrawal of the case of Shri K. Jagadeesan, workman.

As the parties have settled their dispute and the workman does not press for his claim and does not want any relief, the reference is disposed off for want of prosecution.

In view of the above submissions of the parties there is no dispute between the workman and the management now.

ORDER

The workman has withdrawn his claim. He is therefore, not entitled to any relief. The reference is answered accordingly.

Dated: 5-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 9 जनवरी, 2001

का. आ. 185.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार न्यू इंडिया एश्योरेन्स कं. लि. के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-2001 को प्राप्त हुआ था।

[सं. एल-17011/2/2000-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 9th January, 2001

S.O. 185.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New India Assurance Co. Ltd. and their workman, which was received by the Central Government on 8-1-2001.

[No. L-17011/2/2000-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 22nd December, 2000

PRESENT:

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 04/2000

[In the matter of the dispute for adjudication under Section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947 between the Workmen and the Management of New India Assurance Co. Ltd., Chennai.]

BETWEEN

The General Secretary,
Chennai Region General Ins.
Employees Association,
Chennai.

Claimant/I Party.

AND

New India Assurance Co. Ltd.,
Chennai.

Management/II Party.

APPEARANCES:

For Claimant: M/s. D. Hariparanthaman, V. Ajay Khose
and P. Vijayendran, Advocates.

For Management: M/s. T. Sukumar, G. V. Udayakumar,
Advocates.

REFERENCE :

Order No. L-17011/2/2000/IR(B-I) dated 5-6-2000.

Government of India, Ministry of Labour, New Delhi.

This dispute on coming up before me for final hearing on 08-12-2000, union perusing the reference, claim statement, counter statement and other material papers on record, the oral evidence let in on the side of the Claimant and the documentary evidence let in on the other side and upon hearing the arguments of Shri V. Hariharanhaman, Advocate for the Claimant and Shri P. Sukumar, Advocate for the Management and this dispute having stood over till this date for consideration. This Tribunal passed the following :—

AWARD

This reference by Central Government in the exercise of the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 in respect of dispute between Shri K. Naveen and the Management of New India Assurance Co. Ltd., Chennai, mentioned as Schedule appended to the order of reference

The Schedule reads as follows :—

“Whether the demand of the Chennai Region General Insurance Employees Association for posting of Shri K. Naveen (S. R. No. 20733) as Cashier in the Divisional Office of New India Assurance Co. Ltd. is justified? If not, what relief the concerned workman is entitled to?”

On receipt of this reference, this Industrial Dispute has been taken on file of this Tribunal on 26-06-2000 as Industrial Dispute No. 04/2000. On receipt of the notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective claim statement and counter statement.

2. The averments of the claim statement of the Claimant/I Party are briefly as follows :—

The I Party, Chennai Region General Insurance Employees Association is a trade union registered under the Indian Trade Unions Act, 1926. It has a substantial following and membership in various General Insurance Companies including the II Party (hereinafter mentioned as Respondent). The first party union is represented by its General Secretary (hereinafter mentioned as the Petitioner). The workman concerned in this dispute Shri K. Naveen is the member of the Petitioner Union. He joined in the services of the Respondent as an Assistant (Clerical) on 16-02-87. Thereafter he was assigned with the functions of Data Entry Operator in the Divisional Office of the Respondent at Alwarpet, Chennai. Though the workmen are doing the functions of Cashier, Clerk, Typist and Data Entry Operators, they belong to the same cadre namely (Assistant). The scales of pay and other conditions for all the workmen in the cadre of Assistant is the same. The assignment of Cashier and also of Data Entry Operator carry special allowance. The Cashier function is assigned to the senior most person among the Assistants in a particular branch/office. It is a permanent assignment. The Workman is assigned with Cashier function will continue in the said function unless or until he is transferred to other branch or promoted. Further this special allowance will be counted/taken into account for the purpose of DA, HRA, CCA, PF, Pension, Gratuity and also for fixation of pay in the promoted cadre. Shri K. Naveen was the senior most person among the Assistants in the Divisional Office at Alwarpet. Since the permanent vacancy arose for the post of Cashier at that office, he made a representation dt. 29-06-88 to the Senior Divisional Manager and requested to entrust him in the functions of Cashier. Since he was the member of the Petitioner Union, the union also held negotiation with the officials of the Respondent in this regard. Since there is no reply or response from the Respondent, the Petitioner Union raised an Industrial Dispute on the above issue vide application dated 14-07-98. The Respondent filed the remarks dated 15-10-98, to which the Petitioner union filed a rejoinder dated 16-10-98. During the pendency of conciliation proceedings, the Respondent made attempts to transfer an Assistant from another branch/office in the Chennai City so as to

put him/her in the place of Cashier in the divisional office at Alwarpet and so as to deprive the rights of the workman, Shri K. Naveen. The Petitioner union immediately wrote a letter dated 13-10-98 to the Asstt. Labour Commissioner (Central) about the illegal change of conditions of service covered under the dispute and sort for his intervention. The Petitioner union also wrote a letter dated 13-10-98 to the Respondent in this regard and requested them not to precipitate the matter during the pendency of the conciliation proceedings. In the remarks filed before the Assistant Labour Commissioner (C), the Respondent sort to differentiate the Data Entry Operator from the cadre of Assistant and in the assignment of Cashier function which is unsustainable and impermissible. It was also arbitrary, unjust and unreasonable, the Respondent had stated that it is the opinion of the Head Office. The Petitioner union also wrote a letter dated 27-10-98 to the Manager (P), Head Office in this regard. In another remarks dated 6-1-99 filed by the Respondent before the ALC(C)-I, the Respondent conceded that the assignment of the Cashier function should be given to the senior most person. But came with a new plea that while assigning the Cashier function, the other factors such as willingness, integrity, leave record, vigilance case and suitability would be taken into account and that the Divisional Manager/Branch Manager was the sole authority in recommending the names of the person who was eligible to be allotted to the Cashier function. Though Mr. Naveen was possessing all the requirements, the Respondent did not assigned the work of Cashier to him only on the ground that he was assigned with the work of Data Entry Operator. The Respondent admitted in the letter dated 7-10-99, that the services of Mr. Naveen was excellent and unblemished and his conduct, character and performance were exemplary. The Divisional Manager/Branch Manager cannot pick and choose the person to his whims and fancies and in the arbitrary manner. The union also sent two detailed letter dt. 8-3-99 and 29-3-99, in this regard, to the Chairman-cum-Managing Director. In spite of several sittings, conciliation officer could not bring out any mediation which in turn as a reference to be made to this Tribunal by Government of India for adjudication. Both Data Entry Operator and the Assistant 'C' are getting the same scale of pay except drawing some functional allowance. There is no cadre difference between the DEO and the Assistant 'C'. Therefore, when, Shri Naveen was the senior most person in the cadre of Assistant in the Divisional Office at Alwarpet, the Respondent ought to have assigned the functions of the Cashier to him from the date on which the Cashier post held vacant in the office. The Respondent cannot further classify the Assistant 'C' into Assistant 'T' and DEO. Such a further classification lacks reasonableness. Not assigning the Cashier function to DEO is discriminatory and arbitrary and it is violative of article 14 of the Constitution of India. The special allowance attached to Cashier functions is more than the special allowance attached to the functions of DEO. So, instead of the senior most person Mr. Naveen, in the cadre of Assistant, if a person junior to him is offered with the functions of the cashier, he will get more pay than the senior, which is inequitable. Four Insurance Companies, of which New India Assurance Co. Ltd. is one, are subsidiaries of General Insurance Corporation of India. All the three other subsidiaries assigned the functions of Cashier to the senior most person in the cadre of Assistant assigning the functions of DEO. Though this was brought to the notice of the Respondent, the Respondent did not come forward to assign the Cashier function to Shri K. Naveen. This will hit the uniformity in the conditions of service among the public sector insurance employees. The Respondent assigned the Cashier functions to one Miss. Nithyakalyani who was junior to Shri K. Naveen. It was illegal. The GICI has issued a circular dated 23-5-2000 and clarified that the senior most person in the cadre of Assistant, was eligible for the assignment of Cashier function, irrespective of the functional designation. The said circular is binding on the Respondent and would establish that the demand of the union is wholly justified. The Respondent should act as a model employer in a fair and reasonable manner. It is therefore prayed, that this Honourable Tribunal may be pleased to pass an award holding that the demand of the I Party union is justified and consequently direct the Respondent to assign Cashier function to Shri K. Naveen from the date on which the vacancy for Cashier function arose in the Alwarpet Divisional Office with all arrears and consequential benefits with cost.

3. The averments in the counter statement of the II Party Management are briefly as follows :—

The Workman Shri K. Naveen has been assigned with the functions of Data Entry Operator in the Divisional Office of the Respondent at Alwarpet on his request. It carry allowances as cashier assign. The Cashier function is assigned to the senior most Assistant (C) only. Only in the absence of Assistant (C) in any of the offices, these functions can be given either to Assistant (I) or Data Entry Operator. Certain other factors are also to be taken into consideration before assigning the functions of the collective Cashier viz. willingness, integrity, leave record, vigilance case and suitability. In addition to these, the Divisional Manager/Branch Manager is the sole authority in recommending the names of the person who is eligible to be allotted this function. Therefore the allegation of the workman that the Cashier function is assigned to the senior most person among the Assistants in the particular branch/office is not correct. Hence Shri K. Naveen is not entitled to be posted as Cashier. So his representation dated 29-06-98 to the Senior Manager, Divisional Office was not considered. As far as provision of personnel manual, no employee shall as a matter of right claim to be allotted a portfolio of work in order to avail the functional allowance attached to that position. Even according the head office note, collective Cashier functions can be allotted only to the Assistant (C) and in the absence of Assistant (C) in the office, this function can be given to Assistant (I) or D.E.O. In the instant case, as an Assistant (C) was available in the Divisional Office, the said Cashier function was allotted to the said Assistant (C) in preference to the workman Shri K. Naveen who has been assigned with the work of Data Entry Operator. Hence he cannot claim as a matter of right to be assigned the work of Cashier at the said Divisional Office. Just because other three subsidiaries following a particular pattern, it does not mean that the Respondent has to avail the same procedure in the absence of specific procedure in the manual. It is the Management which prescribes the procedure to be followed in the matters of assigning the post when there is no specific provision governing the said assignment of work. The appointment of Miss Nithyakalyani as a Cashier at Alwarpet Divisional Office is in accordance with the procedure followed by the II Party all these years since she was the senior most Assistant (C) in the said cadre. Therefore, her appointment cannot be questioned by Shri K. Naveen. The GICI circular dated 23-5-2000 is only prospective and not retrospective. In fact, the earlier procedure had also been mentioned in the said circular wherein it has been clearly said that the Assistant (C) has to be preferred for cash handling functions and in the absence of Assistant (C) then Assistant (I) is eligible. Therefore the said circular cannot be relied upon to give effect to the assignment of work which has already been allotted as the said circular is not retrospective. Therefore the assignment then prior to coming into force of the circular should not be disturbed as it is made clear in the said circular itself that the existing arrangement can continue. The said circular supports the stand taken by the Management. Hence the workman Shri K. Naveen is not entitled to be posted as Cashier and hence the relief prayed for by first party cannot be granted and the claim petition has to be dismissed.

4. When the matter was taken up for enquiry the Petitioner, General Secretary of Chennai Region General Insurance Employees Association has been examined as the only witness for the Claimant as W.W.1 and the 12 documents were marked as Exs. W1 to W12. The second party Management had represented through their counsel that they have no oral evidence and two documents were marked as Exs. M1 and M2. On completion of the evidence on either side, the counsel on either side had advanced their arguments.

5. The point for my consideration is :—

“Whether the demand of the Chennai Region General Insurance Employees Association for posting of Shri K. Naveen (S.R. No. 20733) as Cashier in the Divisional Office of New India Assurance Co. Ltd. is justified? If not, what relief the concerned workman is entitled to?”

POINT :

It is admitted that the workman Shri K. Naveen has joined the services of the Respondent Insurance Company as Assistant (Clerical) on 16-2-87. It is also admitted that he has been assigned with functions of Data Entry Operator in the Divisional Office of the Respondent at Alwarpet, Chennai for which he is getting special allowance as functional allowance. It is also admitted that Assistant (Clerical) when assigned the functions of the Cashier can get special functional allowance which is more than Data Entry Operator allowance. It is also admitted that when the Cashier post in the Alwarpet Divisional Office of the Respondent became vacant, the workman Sh. K. Naveen was serving as Data Entry Operator and was getting the special allowance for the same. The said workman, Sh. K. Naveen has stated to be the member of the Petitioner union. But in the claim statement it is not stated as to from which date he is the member of the union. W.W.1 the General Secretary for the Petitioner union has also not stated in his evidence as to when the workman K. Naveen became a member of the union. Xerox copies of 3 receipts said to be membership receipts issued to K. Naveen by the union has been filed in court more than a month after W.W.1 has been examined. Those 3 receipts were marked as Ex. W10 to W12 subject to objection by the other side. This Industrial Dispute has been raised by the union expounding the cause of the workman, K. Naveen on the ground that he is a member of the Petitioner union. Eventhough these Ex. W10 to W12 receipts have not been produced in time and proved properly and the learned counsel for the Respondent while advancing arguments has not seriously object to it so they have been accepted as Exhibits in support of the Petitioner's stand that the workman concerned in the dispute is the member of the Petitioner union. Further the said aspect does not loom large to affect deciding the main question in this dispute.

6. The learned counsel for the Petitioner has advanced an argument, that the Respondent, though admitted the workman K. Naveen as the senior most Assistant (Clerical) in the Divisional Office at Alwarpet when the post of Cashier became vacant, has refused to accept the offer of the workman for the post of the Cashier on the ground that he is already holding the post of DEO with special allowance and that the head office has opined that the Cashier function could be allotted only to Assistance (C) and that only in the absence of Assistance (C) in the office, the Cashier function could be given to Assistant (I) or DEO is unsustainable, unreasonable and arbitrary besides being unjust. He would further contend that it amounts to depriving the rights of the workman Sh. K. Naveen and that the remarks of the Respondent that it was always not necessary that the Cashier function should be given to the senior most Assistant (C) employee in the office, cannot be considered to be correct stand and denying the request of the workman concerned, when other 3 subsidiary Insurance Companies are following the principle of assigning the functions of the Cashier to the senior most Assistant (C) is an unjustifiable decision of the Respondent. The learned counsel for the Respondent has replied that just because other 3 subsidiaries are following the particular pattern it does not mean that the Respondent has to follow the same procedure in absence of specific provision in the manual and that it is the Management of the Respondent Insurance Company prescribes the procedure to be followed in the matter of assigning the post and in accordance with the procedure followed by the Respondent all these years, Miss Nithyakalyani, the senior most Assistant (C) was appointed as Cashier when workman K. Naveen has already been assigned with the work of Data Entry Operator. He would further contend that as far as provision of personnel manual, no employee shall as a matter of right claim to be allotted a portfolio of work in order to avail off the functional allowance attached to that position. This is not disputed by the Petitioner.

7. The learned counsel for the Petitioner has advanced an argument stating that GICI has issued a circular dt. 23-5-2000 and clarified that the senior most person in the cadre of Assistant was eligible for the assignment of Cashier function irrespective of the functional designation and it is binding on the Respondent and hence the demand of the union in this dispute is wholly justified. But the learned counsel for the Respondent could contend that one such argument of

the learned counsel of the Petitioner cannot be accepted as correct. Because the said GICI circular dt. 23-5-2000 can have only a prospective effect and not a retrospective effect. He would further contend that in the said circular itself, it has been clearly said that the Assistant (C) has to be preferred for cash handling function and in absence of Assistant (C) then Assistant (I) is eligible and that it is made clear in the circular itself that the existing arrangement can continue. This has not been disputed by the counsel for the Petitioner as incorrect. Here, in this case the assignment in question has already been allotted and the circular of GICI referred to is only subsequent. When it is stated in that circular itself that the existing arrangement can continue the Petitioner cannot rely upon that circular for requesting this Tribunal to grant the relief prayed for. As it is contended in the counter itself the procedures enunciated by the head office as procedural norms to be followed in the matters of assigning special functional posts to the employee have got to be followed by the officers under the control of head office as Administrative Authority. It is also stated in the counter that the Divisional Manager/Branch Manager is the sole authority in recommending the names of the persons who is eligible to be allotted this function and before recommending the names of persons for assigning the functions of collective Cashier, the factors like willingness, integrity, leave record, vigilance case and suitability are to be taken into consideration. This procedural norms followed by the authority cannot be said, to be illegal or unjustified one. The two citations referred to by the counsel for the Petitioner are quite different in respect of the facts of the case. So, the decisions in those are not applicable to the facts of this case. The perusal of the documentary evidence on either side and the oral evidence given by W.W.1 can lead this Tribunal only to the conclusion that the relief prayed for by the Petitioner in this claim petition cannot be granted, since the workman concerned cannot claim it as a right. Under such circumstances this tribunal comes to the conclusion that the demand made by the Petitioner Claimant on behalf of the workman K. Naveen is unjustified and the workman is not entitled to any relief. Thus I answered the point accordingly.

In the result the award is passed holding that the demand of Chennai Region General Insurance Employees Association for posting of Shri K. Naveen (S.R. No. 20733) as Cashier in the Divisional Office of New India Assurance Co. Ltd. is unjustified and hence the concerned workman is not entitled to any relief. No cost.

Dictated to the Typist, typed by her direct, corrected and pronounced by me in open court on this day the 22nd December, 2000.

K. KARTHIKEYAN, Presiding Officer

Witnesses Examined :

For Claimant/I Party :

WW1—Shri G. Kannan.

For Management/II Party :

None.

Documents Marked :

For Claimant :

Ex. No. Description

W1/29-6-98—Letter from the workman concerned, K. Naveen to the Senior Divisional Manager.

W2/14-7-98—Application from the I Party Union to the Asstt. Labour Commissioner (C).

W3/15-10-98—Remarks filed by the II Party before the ALC(C).

W4/06-01-99—Addl. remarks filed by the II Party before the ALC(C).

W5/26-10-98—Rejoinder filed by the I Party to the remarks of the II Party dated 15-10-98.

W6/20-12-99—Failure Report.

W7/23-05-2000—Circular issued by Gen. Ins. Corpn. of India reg. cash handling function.

W8/02-08-95—Circular of Oriental Ins. Co

W9/11-06-96—Circular of United India Ins. Co.

W10 to W12—Xerox copies of receipts for payment of subscription to union by K. Naveen.

For Management :

M1/29-06-98—Letter from the I Party to the II Party.

M2/13-07-98—Letter regarding cashier function.

नई दिल्ली, 11 जनवरी, 2001

का. आ. 186.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रवन्तत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 09-01-2001 को प्राप्त हुआ था।

[सं. एल-12012/212/92-आई आर (बी-II)]

सी. गंगाधरन, अव्वर सचिव

New Delhi, the 11th January, 2001

S.O. 186.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chennai as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 09-1-2001.

[No. L-12012/212/92-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 2nd January, 2001

PRESENT :

K. Karthikeyan, Presiding Officer.

Industrial Dispute No. 35/2000

[In the matter of the dispute for adjudication under Section 10(1)(d) and sub-section 2(A) of the Industrial Disputes Act, 1947 between the claimant and the Management of Indian Bank, Chennai.]

BETWEEN

The General Secretary,
Indian Bank Employees Association,
Chennai.

Claimant/I Party.

AND

The General Manager,
Indian Bank,
Chennai.

Management/II Party.

APPEARANCES :

For the Claimant : M/s. Muthupandian H. Lawrence, Advocates.

For the Management : M/s. Aiyar and Dolia, Advocates.

REFERENCE :

Order No. L-12012/212/92-IR(B-II) dated 28-2-2000 Government of India, Ministry of Labour. New Delhi.

This dispute on coming up before me for final hearing on 8-12-2000, upon perusing the reference claim statement, counter statement and the material papers on record having no oral evidence on either side, the documentary evidence let

in on either side and upon hearing the arguments of the counsel for the claimant Shri M. Muthupandian and the counsel for the Management M/s. Aiyar and Dola and this dispute having stood over till this date for consideration, this Tribunal passed the following :

AWARD

This reference is made by Central Government in the exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 in respect of dispute between Shri M. Arumugam, clerk-cum-shroff workman and the Management of Indian Bank, Chennai as schedule appended to the order of reference.

The Schedule reads as follows :

"Whether the action of the Management of Indian Bank to recover the overtime wages paid to Shri M. Arumugam, clerk-cum-shroff for the duties performed by him from 30-7-1988 to 01-08-1988 to accompany the cash remittance to Reserve Bank of India is justified and legal? If not, what relief, is this disputant workman is entitled to?"

On receipt of this reference, this industrial dispute has been taken on file by this Tribunal on 4-8-2000 as industrial Dispute No. 35/2000. On receipt of the notice from this Tribunal, both the parties appeared with their respective counsel and filed their respective claim statement and counter statement.

2. The averments in the claim statement of the claimant/ I Party are briefly as follows :—

The first party claimant the General Secretary Indian Bank Employees Union, Chennai (hereinafter mentioned as the petitioner) espousing the cause of the workman Sh. M. Arumugam states that the petitioner Union commands substantial following among the workmen employed by the Indian Bank. The workman Shri Arumugam, worked as clerk-cum-shroff at the Ranipet Industrial Complex branch of Indian Bank. He was paid overtime wages of Rs. 703.02 for having done overtime work on 30-7-1988. He had to accompany the 'treasure' for cash remittance to the Reserve Bank of India on 30-7-1988. He reached the Madras Central Station itself around 9.45 p.m. on 30-7-1988 and had to stay at central till 11.00 A.M. on 1-8-1988, when ultimately the R.B.I. took charge of the remittance. Therefore he was forced to stay along with the Treasure on Sunday 31-7-1988, and also upto 11.00 a.m. on 1-8-1988 and thus he had performed overtime work. Hence he is entitled to halting allowance as well as overtime wages. Accordingly the Branch Manager paid overtime wages and halting allowance to him. However, it seems on the advice by the higher authorities the Branch Manager took the stand that since halting allowance and travelling allowance was paid to him for the stay in central station on Sunday and the next Monday, he was not entitled for overtime wages and sought to recover the same. Shri M. Arumugam and the petitioner Union protested against the said recovery. Since respondent was not willing for an amicable negotiation for the settlement of the issue, the petitioner Union raised the dispute against the recovery by its letter dated 26-6-1989 before the Assistant Labour Commissioner (C). The respondent filed the remarks on 2-2-1992 before the conciliation officer. The petitioner Union submitted a rejoinder dated 20-3-1992. As no settlement could be arrived at, the conciliation officer sent a failure report dated 26-5-92 to the Ministry of Labour, Government of India. The Government of India declined to refer the issue for adjudication. Against that order the petitioner Union referred a writ petition before the High Court. The High Court was pleased to direct the Government of India to refer the matter for adjudication. Thus the present reference to this tribunal for adjudication. The action of the Management to recover the overtime wages paid to Shri M. Arumugam is illegal, unjust and arbitrary. The respondent straight away ordering for recovery without notice and without giving opportunity, was against the principles of natural justice. Since Shri M. Arumugam was directed and deputed to work on 31-7-1988, Sunday, a holiday for accompanying the treasure and the remittance was made at R.B.I. on Monday, he was entitled to overtime wages apart from halting allowance, which is payable for stay outside the headquarters. The duties of a person accompanying the treasure are set out by R.B.I. guidelines and also by the memorandum of instructions issued by

the Indian Bank. Halting allowance and travelling allowance are entirely different which are paid only to meet the incidental expenses for stay. The respondent allowed overtime wages to Mr. Milton, Ranipet Industrial Complex branch to accompany cash remittance on 14-7-1989, a public holiday (Bakrui). Therefore the claim of the workman and the petitioner Union is fully justified. Hence this tribunal may be pleased to hold that the action of the respondent to recover the overtime wages paid to Shri M. Arumugam as unjust and direct the Management not to recover the overtime wages already paid and to pay cost to the petitioner.

3. The averments in the counter statement of the respondent are briefly as follows :—

The II Party/Management (hereinafter mentioned as respondent) says that the concerned workman Shri M. Arumugam died on 19-5-1998. The petitioner union never brought this to the notice of the Honourable High Court, when the Honourable High Court was pleased to pass the order dated 25-6-1999 in the writ petition. The claim for overtime wages made by late Shri M. Arumugam was personal to him and against that his cause of action to claim the same ceased to exist and it does not survive from the date of his death. Therefore the terms of reference are incompetent and therefore likely to be rejected. On 30-7-1988, it was the police who took into their custody the treasure to be remitted to the R.B.I. from the currency chest of respondent Bank's branch at Ranipet Industrial Complex. The concerned workman was required to accompany the remittance, so that it was possible for him to be present at R.B.I. where the treasure was handed over to the R.B.I. by the police authorities. It was the police authorities who took charge of the treasure, were guarding at Madras Central Station. It was under the custody of the police till it was handed over to the R.B.I. The concerned workman Shri M. Arumugam, was not under any obligation to stay with the treasure. It was not part of his duty. Any clerk-cum-shroff who is required to go on official duty and carry documents with him may possess the documents under his custody until it is handed over to the proper authority at the receiving end and such possession of document obligating the staff to take due care required of him cannot be treated as his having been on duty making him eligible to claim overtime wages. The alleged stay of Shri A. Arumugam at central station is similar to the instance stated and therefore it cannot be construed that he was on duty working for all the 24 hours on Sunday and Monday (i.e. 31-7-1988 and 1-8-1988) making him eligible to claim overtime wages. Since the Branch Manager wrongly paid overtime wages to the deceased Shri Arumugam he was instructed to recover the payment made by mistake, by the higher Authorities. There was and is no substance in the protest made by the petitioner Association. The proviso to clause 9.13 of the first bipartite settlement provides the norms for overtime allowance as "where the period between the time when a workman commences work on that day and the time at which he returns to his place of work from out-station duty exceeds his normal working hours plus recess interval, full halting allowance at the applicable rates to him shall be paid in such cases the workman concerned shall not be entitled to any overtime allowance". As could be seen from this the deceased Shri Arumugam was not entitled to be paid any overtime allowance, but by mistake the Branch Manager having paid erroneously Rs. 703.02 apart from T.A. and halting allowance contrary to the said provision, the mistake was rectified. Hence the allegation made by the Petitioner Association to the contrary are not correct. The claim is not based on any right inherent in the deceased Shri Arumugam. The treasure was under the custody of police and they guarded it. For accompanying the treasure the deceased Shri Arumugam had already drawn T.A. and halting allowance. There is no basis for the claim for overtime allowance in addition to halting allowance and travelling allowance. Rectification of mistake does not attract principles of natural justice nor it could be alleged to be arbitrary or unjust. It was the amount which was erroneously paid to the deceased Shri Arumugam in contravention of proviso to clause 9.13 of the first bipartite settlement dated 19-10-96 that was recovered by the Branch Manager on the instruction of the Regional Manager. Both the Regional Manager and the Branch Manager has acted in this behalf justly and properly. Having been already paid T.A. and halting allowance, the deceased Shri Arumugam was not entitled to be paid any overtime allowance. Besides accompanying the treasure, the deceased Shri Arumugam was not

under any obligation under the terms and conditions of his employment to remain with the treasure when it had been under the custody, control and guard of the police authorities, till such police authorities handed over it to the R.B.I. Hence the deceased Shri Arumugam was not entitled to any over time allowance for the period for which he is already paid T.A. and hauling allowance. The drivers about whom allegations are made in the claim statement stand on a different footing. The drivers do driving and undertake to do the same for the period exceeding working hours. Therefore, the claim made by the petitioner association is not tenable. In view of the position that the duty of the deceased Shri Arumugam was only to accompany the treasure which was under the possession and guard of the police, it was not his duty to stay with the treasure. The case of Shri Milton stand on a different footing. He was paid overtime allowance because he attended office and worked on a holiday i.e. 14-7-1989 (Bakrid) for taking charge of the treasure enroute to the railway station without any overlapping of the time between the period for hauling allowance and overtime. Hence none of the allegations made in the claim statement is tenable and correct. So it is prayed that this Honourable Tribunal may be pleased to reject the reference by dismissing the claim of the claimant union.

4. When the matter was taken up for enquiry the counsel on either side informed the tribunal that they have no oral evidence to let in. By consent three documents on the side of the petitioner and two documents on the side of the respondent, all are xerox copies have been marked as exhibits W1 to W3 and M1 and M3 respectively. Counsel on either side advanced their respective arguments.

5. The point for my consideration is :

1. Whether the claim of the petitioner association by espousing personal cause of the deceased workman Shri M. Arumugam is sustainable now?
2. Whether the action of the Management of Indian Bank to recover the overtime wages paid to Shri M. Arumugam, clerk-cum-shroff for the duties performed by him from 30-7-1988 to 1-8-1988 to accompany the cash remittance to the R.B.I. is justified and legal? If not, what relief is the disputant workman entitled to?

Point 1.—It is admitted that the workman concerned Shri M. Arumugam died on 19-5-1998 when the writ petition filed in the Honourable High Court was pending. The allegation in the counter statement that the petitioner association never brought this to the notice of the Honourable High Court when order dated 25-6-99 was passed by the Honourable High Court in the writ petition is not denied. In pursuance of the order passed by the Honourable High Court in that writ petition, as per the directions of the High Court the Central Government has ordered this reference dated 28-2-2000. From this it is seen the Honourable High Court of Madras while passing the order in writ petition No. 13359 of 1992 and the Central Government while passing this order of reference dated 28-2-2000 as per the direction of the High Court of Madras in that writ petition were not aware of the fact that the concerned workman Shri M. Arumugam has already expired as early as 19-5-1998. It is seen from the material available in this case that the petitioner union has raised this industrial dispute espousing the personal cause of the workman Shri M. Arumugam. Further it is not disputed that the concerned workman is not alive now to press for the relief mentioned in the schedule of reference. The learned counsel for the petitioner has argued that the relief prayed for in this dispute, though a personal relief to the workman, admittedly now deceased, the petitioner Association has taken up this cause as a collective one for the workers in the Association, and thus it is espousing the general case for the Union members and as per the decided cases of the High Courts and Supreme Court, the cause of action never dies with the person and will survive even after the death of the person in such industrial dispute. For this argument he relied upon a decision of the Supreme Court reported as AIR SC 1124 Girijanandini Vs. Bijendra Narain. In this cited case the Hon. Supreme Court has decided as follows :

"The applicability of the maxim "Actio personalis moritur cum persona" (a personal action dies with the person) depends upon the relief claimed and

the facts of each case. By and large the industrial disputes under Section 2A of the Act relate to the termination of services of the concerned workman. In the event of death of the workman during pendency of the proceeding, the relief of re-instatement, obviously, cannot be granted. But the final determination of the issues involved in the reference may be relevant for regulating the conditions of service of the other workmen in the industry. Primary object of the Act is to bring industrial peace. The tribunals and Labour Courts under the Act are the instruments for achieving the same objective. It is, therefore, in conformity with the scheme of the Act that the proceedings in such cases should continue at the instance of the legal heirs/representatives of the deceased workman."

In this case also when the dispute is pending adjudication the aggrieved workman expired and the petitioner Association as a representative of the deceased workman is continuing the proceeding. The above decision of the Supreme Court is squarely applicable to this present case. Under such circumstances, it can be said that the present dispute raised by the petitioner association for and on behalf of the concerned workman Shri A. Arumugam, who is dead now, does not die with the person, but survives. Hence the present dispute being continued by the petitioner association is sustainable now. Thus I answer the point No. 1 accordingly.

5. Point No. 2 : It is admitted that the deceased workman Shri M. Arumugam who was working as clerk-cum-shroff in Ranipet industrial complex branch of the respondent Bank, accompanied the treasure on 30-7-1988, when the police escort took into their custody the treasure from the currency chest of the respondent Bank to be remitted to R.B.I. till it was handed over to the R.B.I. at 11.00 A.M. on 1-8-1988. It is also admitted that apart from T.A. and hauling allowance the concerned workman was paid Rs. 703.02 as overtime wages he claimed. It is further admitted that the Branch Manager took steps to recover the payment of Rs. 703.02 from the concerned workman as per the instructions of the higher authorities, as wrongly paid overtime wages. The xerox copy of the order dated 3-5-1989 passed by the Branch Manager of the respondent Bank for such recovery is Exhibit W1. The xerox copy of the subsequent order dated 16-2-1990 passed by the Branch Manager of the respondent Bank in this regard is exhibit W2. The learned counsel for the petitioner would argue that the action of the respondent management to recover the overtime wages paid to the workman Shri M. Arumugam is illegal, unjust and arbitrary. By that action the respondent has violated the principles of Natural Justice because the recovery of overtime wages was ordered without Notice and without giving any opportunity to the concerned workman. He would further argue that 31-7-1988 happened to be a Sunday, the concerned workman who was directed and deputed to accompany the treasure and to remit the same at R.B.I. on Monday was obliged to work on the holiday also and hence he was entitled to overtime wages apart from hauling allowance and the hauling allowance is payable for stay outside the Headquarters. An official performing duty or involving onerous responsibility on holidays have been paid overtime wages. The concerned workman while accompanying the treasure had discharged his duties as potdars as per the guidelines set out by R.B.I. and also by the memorandum of instructions issued by the Indian Bank. As potdars he was required to be present constantly along with the treasure and he cannot move out of the place and the nature of duty is onerous till the treasure is remitted in the office of the R.B.I. Therefore the concerned workman was entitled to over time wages as well as hauling allowance.

6. The learned counsel for the respondent has advanced his arguments would say that the deceased workman Shri Arumugam was required to accompany the remittance so that it was possible for him to present at R.B.I. where the treasure was handed over by the police escort. It was the police authorities who took charge of the treasure at Ranipet industrial complex branch of the respondent bank, were guarding the treasure at the Madras Central Station, keeping under their custody till it was handed over to the R.B.I. The concerned workman was not under any obligation to stay with the treasure nor he was instructed to stay with the treasure and it was not part of his duty. The alleged stay of the concerned workman at Central station cannot be construed

that he was on duty working for all the 24 hours on Sunday and Monday i.e. on 31-7-1988 and 1-8-1988 making him eligible to claim over time wages. He has quoted the proviso to clause 9.13 of the bipartite settlement in support of his argument. In that it is stated "Where the period between the time when a workman commences work on that day and the time at which he returns to his place of work from outstation duty exceeds his normal working hours plus recess interval, full hauling allowance at the rates applicable to him shall be paid to the workman concerned and in such cases he shall not be entitled to any overtime allowance."

7. The above argument put forth by the learned counsel for the respondent and the detailed mentioning of proviso clause 9.13 of the first bipartite settlement in the counter statement of the respondent has not been disputed as incorrect by the petitioner or by his counsel. Exhibit W3 is a xerox copy of the memorandum of instructions for the guidance of potdars accompanying remittances issued by R.B.I. and followed by the respondent Indian Bank. In exhibit W3 detailed instructions has been given as to how a potdar should act when he accompanies the treasure for remittance. In that list of instructions it is stated that as potdar on remittance duty will not interfere in any way with the proper discharge by the escort party of the assigned duties. No where in exhibit W3 it is mentioned that the potdar accompanying the remittance is also entitled for over time wages apart from hauling allowance and travelling allowance when he happens to accompany the remittance outside the Headquarters. Exhibit M1 is a xerox copy of the extract of bipartite settlement dated 19-10-1966 at page Nos. 35 and 36 which contains clause 9.13. Exhibit M2 is a xerox copy of the extract of bipartite settlement dated 8-11-1973 page No. 132 dealing with the subject overtime allowance to drivers in addition to hauling allowance. It reads as follows:—

After the proviso to clause 9.13 of the Bipartite settlement dated 19-10-1966 the following proviso shall be added:

"Provided further that drivers required to drive the vehicles on out-station duty shall be paid over time wages for the period of actual driving beyond normal working hours in addition to batta/Halting allowance at the rates payable to them".

From the above proviso to clause 9.13 it is seen the drivers are on a different footing for claiming overtime wages for their nature of work. This cannot be disputed. So the claim of the petitioner that the workman concerned is entitled to overtime wages, when he worked beyond the normal working hours in addition to batta and the halting allowance at the rates applicable to him, as it is being paid by the respondent to the drivers, cannot taken to be a correct contention. As it is stated by the respondent the drivers stand on a different footing. It is specifically contended in the counter statement of the respondent that, the duty of Sh. R. Arumugam was only to accompany the treasure which was under the possession and guard of the police, and it was not his duty to stay with the treasure. It has not been denied by the petitioner, by filing any rejoinder to the counter statement. In exhibit W3, now here it is stated that potdars accompanying remittances to stay with the treasure as part of his duty. It is not denied that the workman concerned was paid by the respondent his eligible T.A. and halting allowance when he accompanied the cash remittance to the R.B.I. from 30-7-1988 to 1-8-1988. From the available material and records it is seen that the concerned workman cannot claim overtime wages apart from the T.A. and halting allowance he has drawn as any inherent right. Further the concerned workman, to claim that overtime wages, there is no basis, because it cannot be construed that he was on duty working for all the 24 hrs. on Sunday and Monday i.e. 31-7-1988 and 1-8-1988. Only on that basis the higher authorities of the Branch Manager of the respondent bank had instructed the Branch Manager to recover the payment of overtime wages made by mistake. That was why the Branch Manager took action by passing the orders under the originals of the exhibits W1 and W2. Under such circumstances it cannot be said that the action of the Management of the Indian Bank to recover the overtime wages paid to Sh. M. Arumugam clerk-cum-shroff for the duties performed by him from 30-7-1988 to 1-8-1988 to accompany the cash remittance to the R.B.I. was arbitrary and unjust. The action has been taken by the Management i.e. the Branch Manager

of the respondent bank under exhibits W1 and W2 as per the directions of the higher authority, since it was a mistake payment and the concerned workman was not eligible to claim overtime wages. The action was taken straightaway ordering for recovery, since later it was found to be a mistaken payment. That was why orders under the originals of W1 and W2 were passed for recovery without giving away notice to the concerned workman. It cannot be considered as an action taken by the respondent Bank by violating the principles of Natural Justice.

8. On the basis of the above findings this Tribunal comes to the conclusion that the action taken by the Management against the deceased workman Sh. M. Arumugam as referred to in the schedule of reference is justified and legal and the disputed workman is not entitled to the said overtime wages. Thus point No. 2 is answered accordingly.

9. In the result an award is passed holding that the action of the Management of the Indian Bank to recover the overtime wages paid to Sh. M. Arumugam, clerk-cum-shroff for the duties performed by him from 30-7-1988 to 1-8-1988 to accompany the cash remittance to the R.B.I. is justified and legal. The disputant workman is not entitled to any relief. No Cost.

Dictated to the typist and typed by her direct and corrected and pronounced by me in the open Court on this day, the 2nd January, 2001.

K. KARTHIKEYAN, Presiding Officer

Witness examined:
On either side: None
Documents marked:
For claimant/I Party:

Ex. W1 3-5-1989: Xerox Copy of the order to refund the overtime allowance.

Ex. W2 16-2-1990: Xerox copy of the order to recover the overtime allowance from the salaries for the month of February, 1990.

Ex. W3 : Memorandum of instructions for the guidance of potdars accompanying remittances—xerox copy.

For the Management/II Party:

Ex. M1 19-10-1966: Xerox copy of extract of I Bipartite settlement page Nos. 35 and 36.

Ex. M2 8-11-1973: Xerox copy of extract of 2nd Bipartite supplementary settlement page 132.

नई दिल्ली, 9 जनवरी, 2001

का. या. 187.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/47/92—आई आर (बी-III) बीI]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 9th January, 2001

S.O. 187.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Calcutta as shown in the Annexure in the Industrial

Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 8-1-2001.

[No. L-12012/47/92-IR (B-III)-BU]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA
Reference No. 44 of 1992

PARTIES :

Employers in relation to the management of State Bank of India.

AND

Their workmen

PRESENT :

Mr. Justice B. P. Sharma, Presiding Officer.

APPEARANCE :

On behalf of Management — None.

On behalf of Workmen — None.

State : West Bengal. Industry : Banking.

AWARD

By Order No. L-12012/47/92-IR.B.III dated 20-7-1992 the Central Government in exercise of its powers under section 10(1) (B) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in dismissing the services of Shri Shani, Sweeper-cum-Farash is justified? If not, to what relief the workman is entitled to?”

2. When the case is called out today, none appears for the either of the parties. On the last date also no one appeared for them. It also appears from the record that on earlier several occasions, no one appeared for the union and the case was being adjourned from time to time. It is accordingly clear that the union is no longer interested to proceed with the case.

3. In the aforesaid circumstance, this Tribunal has no other alternative but to dispose of the present reference by passing a “No Dispute” Award.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

B. P. SHARMA, Presiding Officer

Dated, Calcutta,

The 22nd November, 2000.

नई दिल्ली, 9 जनवरी, 2001

का. मा. 188.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/104/97-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 9th January, 2001

S.O. 188.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 8-1-2001.

[No. L-12012/104/97-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SRI R. P. PANDEY, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, SARVODAYA NAGAR,
KANPUR

Industrial Dispute No. 15 of 1998

In the matter of dispute :

BETWEEN

Sri Suresh Chandra Mishra,
S/o Ram Bharosey Mishra,
Gram Kakupur Rabban Post Kanpur,
District Kanpur Dehat.

AND

Manager,
State Bank of India,
Branch Gwaltoli,
Kanpur Nagar.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/104/97-IR(B) dated 16-1-98 has referred the following dispute for adjudication to this Tribunal—

“Whether the action of the management of State Bank of India Kanpur in terminating the services of Shri Suresh Chandra Mishra is legal and justified? If not to what relief the workman is entitled?”

2. In the claim statement the workman has stated that he was engaged as casual labour in State Bank of India branch Gwaltoli Kanpur on 20-1-89 and he worked there

till 16-2-90. He was again employed by the bank on 20-1-95 as canteen boy but he also discharged the duties of an employee of the bank. When the workman demanded the pay scales and other amenities like regular employees of the bank his services were terminated w.e.f. 10-6-96 by an oral order. The work which the workman was performing in the bank is still continuing. Thus the management of the bank has violated the provisions of section 25F, 25G and 25H of the Act, because no retrenchment compensation or notice pay was given to him before termination of his services. On the basis of these allegations he has prayed that he be reinstated in service with back wages.

3. The management has filed written statement with contention that relationship of master and servant never existed between the bank and the concerned workman. It has been alleged that the workman was employed as canteen boy in the canteen run by Local Implementation Committee (hereinafter referred to as LIC for the sake of brevity). It has been alleged that the branch manager was ex officio president of that committee and that committee consisted of employees of the bank which was running the canteen. It has been alleged that it was a non statutory body, hence the employees of the LIC working in the canteen could not get the status of an employee of the bank. The workman was also appointed as canteen boy under control of LIC and his services were terminated by LIC hence he has no right to get reinstatement in the services of the bank. It has been alleged that regular employees of the bank get the benefit of House Allowance, Leave Fare Concession, Bonus, G.P.F., City Allowance, Casual leave and medical leave but canteen boys do not get such benefits which shows that canteen boy is not an employee of the bank. The concerned workman never demanded the aforesaid facilities while working as canteen boy. It is alleged that the workman is not entitled to get any relief against the bank and the reference is liable to be decided against the concerned workman.

3A. The workman has repeated the allegations made in the Statement of Claim in Rejoinder.

4. The workman himself has examined as W.W.1 and filed 4 documents marked Ext. W-1 to W-4 in support of his case. The management examined Sri Suresh Kumar Verma as M.W.1 and filed 5 documents marked Ext. M-1 to M-5 in support of its case.

5. I have heard the representatives for both the sides and have gone through the records of the case. The authorised representative for the management has argued that Suresh Chandra Mishra the concerned workman was appointed as canteen boy by LIC of State Bank of India branch Gwaloli, Kanpur and his services were also terminated by that committee, hence he is not entitled to get any relief against the bank as to get reinstatement in the services of the bank. After going through the record of the case and evidence on the record, I find force in this contention.

6. The workman has himself admitted in his statement of claim that he was appointed as canteen boy on 20-1-95 and his services were terminated on 10-6-96. In his statement on oath also he has stated that he was appointed as canteen boy on 20-1-95 and he worked on that post till 10-6-96. He has also filed the copy of appointment letter dated 19-1-95 Ext. W-1 which shows that he was appointed as canteen boy by the Secretary of LIC State Bank of India Gwaloli Branch, Kanpur. He has also filed his termination order dated 10-6-96 Ext. W-4 which shows that his services were terminated by the then Secretary of LIC State Bank of India Gwaloli Branch, Kanpur. Sri Suresh Kumar Verma, branch manager State Bank of India, Gwaloli Branch, M.W.1, clearly stated on oath that canteen boys are appointed by LIC which consists of the employees of the bank and branch manager of the bank is ex-officio President of that committee. He stated that LIC has a Current Account in its name in the bank and the salary of the canteen boy is paid from that current account of the LIC. He has stated that canteen boy worked under control and supervision of LIC and was not the employee of the bank nor bank has any administrative control over him. The contention of MW.1 appears to be correct because Suresh Chandra Mishra, the concerned workman was appointed as canteen boy by Secretary of LIC and not by any officer of the bank. The workman has not filed any document to show that he was appointed by any officer of the Bank and was ever selected for any post in

the bank and was getting salary from the bank for work as a canteen boy. In view of above considerations I have no option but to hold that Suresh Chandra Mishra, the concerned workman is a canteen boy and was an employee of LIC and was not the employee of the bank. I, therefore, hold that he is not entitled to get any relief against the bank or to be reinstated in the services of the bank on any post whatsoever.

7. The representative for the management has drawn my attention towards a judgment of the Hon'ble Supreme Court passed in State Bank of India versus State Bank of India Canteen Employees Union, 2000, Lab IC 1481, in which similar question was considered by Hon'ble Supreme Court and the Hon'ble Supreme Court held as under—

Even if LIC consist of employees of the bank and those employees are directly under the control of the bank, it cannot be held that bank is the employer of the persons working in the canteen.

A similar question was also considered by the Hon'ble Supreme Court in Employers in relation to the Management of Reserve Bank of India versus Their Workmen, 1996, Lab IC 1048 in which the Hon'ble Supreme Court held as under—

Held, in the absence of any obligation statutory or otherwise regarding the running of a canteen by the bank in the absence of any effective or direct control in the bank to supervise and control the work done by various persons the workers in the canteen run by the Implementation Committee (Canteen Committee) cannot be said to be employees of the RBI.

The law laid down by the Hon'ble Supreme Court in the cases cited above fully applies to the facts of the present case. The Local Implementation Committee of the State Bank of India, Gwaloli Branch, Kanpur is a non-statutory body and in view of the law laid down in the cases cited above, I hold that Suresh Chandra Mishra Canteen boy being an employee of LIC could not get status of an employee of the bank and was not entitled to get any relief against the bank either for reinstatement or for getting back wages as the relationship of master and servant did not exist between the bank and the concerned workman.

8. In view of findings recorded above, I hold that the workman concerned is not entitled to get any relief against the State Bank of India in pursuance of the reference made to this Tribunal.

9. The reference is answered accordingly.

Let six copies of this award be sent to the Government of India, Ministry of Labour, New Delhi, for its publication.

R. P. PANDEY, Presiding Officer

11-12-2000

नई दिल्ली, 9 जनवरी, 2001

का. आ. 189.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ इण्डियन बैंक लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-1-2001 को प्राप्त हुआ था।

[सं. एल-12012/188/94-आई आर (बी-1)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 9th January, 2001

S.O. 189.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of South Indian Bank Ltd., and their workman, which was received by the Central Government on 8-1-2001.

[No. L-12012/188/94-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 30th day of November, 2000

PRESENT :

Thiru S. R. Singharavelu, B.Sc. B.L., Industrial Tribunal.

Industrial Dispute No. 77 of 1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of South Indian Bank, Trissur).

BETWEEN

Sri A. Fredric Constantine,
No. 44, III Street, Pudupet,
Madras-600 002.

AND

The Chairman,
South Indian Bank Ltd.,
Trissur,
Kerala.

Reference :

Order No. L-12012/188/94-IR (B-I) dated 30-11-95 Ministry of Labour Govt. of India New Delhi.

.....

This dispute coming on for final hearing on Monday, the 27th day of November, 2000, upon perusing the reference, Claim and Counter statements and all other material papers on record and upon hearing the arguments of Tvl. D. Hariparanthaman, V. Ajoykhose, advocates appearing for the Workman and of Tvl. Warason and Sairams, advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following:

AWARD

The Govt. of India has referred the following issue for adjudication by this Tribunal :

“Whether the action of the management of South Indian Bank Ltd., in terminating the services of Sri. A. Fredric Constantine w.e.f. 25-1-92 is justified? If not to what relief is he entitled?”

2. The main averments found in the Claim Statement of the petitioner are as follows :

The petitioner was a clerk in Trichy branch when he was dismissed from service by an Order dt. 25-1-92. While the petitioner was suffering from heart ailment, he was deputed to other branch at a long distance for 3 times in April 1991. The request of the petitioner to the Branch Manager not to disturb him went unheeded and this only aggravated the situation leading to suspension and dismissal at the instance of the Branch Manager. The whole trouble started on 2-4-91, when the petitioner made a request not to disturb him from Trichy as he was suffering heart ailment. No order was passed on his leave application. He was accused of refusing to receive order relieving him and also that he was unauthorisedly absent from 3-4-91 to 9-4-91. He was deputed again immediately in vengence to another branch. He went to that branch on 12-4-91 at about 4 p.m., he had a slip and fell down. In these circumstances, he applied leave from 13-4-91 to 16-4-91. Again on 22-4-91, when he went to the Branch, the Branch Manager called him inside and asked him why he had not come and reported to him. The petitioner made his grievance that inspite of his heart ailment he was subjected to deputation that too frequently and that not even order was passed on his leave application for his absence from 3-4-91 to 8-4-91. But the Branch Manager had no sympathy and abused him, and it became the Charge No. 3. Accordingly he went to the lodge where the Branch Manager stayed to express apology for the past incident. But the Branch Manager refused to meet him. Hence he quietly returned. But unfortunately this became the subject matter of Charge No. 4. Hence on 23-4-91 he went to the Branch and submitted leave application seeking leave from 23-4-91 to 26-4-91. The Branch Manager refused even to receive the application showing his bad mind. He was accused of abusing and threatening the Branch Manager on 23-4-91 in Charge Nos. 5 & 6. While he was placed under suspension, for having visited the Branch, he was accused of closing the safe room on 4-6-91 and plucking the telephone wire in Charge No. 7 and 8. The direct witness to the Charge is Mr. Henry Joseph because it was the case of the management that when Mr. Henry Joseph served the order, he refused to receive. Though he was examined as first witness, he did not speak to the charge. The Branch Manager of Trichy was enimical not in good terms with the petitioner. The attitude of the Branch Manager in not even receiving the leave letter and not sanctioning would speak for itself. The only witness examined as to this Charge is Mr. Thomas, Branch Manager of P. Mettupalavam branch. Mr. Thomas did not say that the petitioner refused to do work on 12-4-91. This witness admitted that the petitioner met with accident due to skidding of scooter on 12-4-91 while he came to the branch. Submitting leave application on 13-4-91 for his absence from 13-4-91 to 16-4-91 would not constitute misconduct. This witness deposed in Chief as follows : (i) Contrary to the charge sheet, (ii) when the evidence is in this fashion, finding the petitioner guilty by enquiry officer has no basis, (iii) At page 8 of the report, while extracting the deposition of this witness, it is stated that the petitioner entered into the cabin at 4.30 p.m. whereas the allegation is that he

entered at 4 p.m. As no independent witness was examined and as there was not even complaint on 22-4-91 or subsequently making the allegation, the finding of enquiry officer based on the evidence of Branch Manager is bad. According to service conditions this charge would not constitute misconducts because the alleged incident took place at a far off place and not in the premises of the bank and not in connection with the employment. It was the case of the petitioner that he went to the residence to make compromise by expressing regret as advised by his friends. As the Branch Manager refused to open the door, he simply left the place would also go to support his version. Charge Nos. 5 and 6. The Branch Manager himself deposed that he refused to accept the leave application as the petitioner disturbed him in the previous day night, MW.1 and MW.3 did not speak to the alleged threat made by the petitioner and they are independent witnesses and not belonging to officer cadre. Charge No. 7: Mr. Sampath, who belongs to officer-cadre like the Branch Manager, along makes allegation against the petitioner that he closed the safe room. When 2 of the witnesses did not support the management and supported the defence version, the finding of enquiry officer has to be rejected. Charge No. 8: As there is no independent witness except the evidence of Mr. Sampath who is an officer belonging to the cadre of Branch Manager, it is not safe to rely his version leading to the dismissal of petitioner. The petitioner prays to direct the respondent to reinstate him with continuity of service, backwages and other attendant benefits.

3. The main averments found in the Counter statement of the Respondent are as follows :

The workman was a clerk in the management bank and at the time of his dismissal he was working in Trichy Branch. The Charge sheet dated 1-7-1991 narrated the allegations levelled against the workman. The workman submitted an undated explanation to the Charge memo dated 1-7-1991. Sri. T. Dinakaran, Chief Superintendent of the Regional Office of the Bank at Coimbatore was appointed as the Enquiry Officer. The enquiry proceedings continued for three days and the delinquent fully participated in the enquiry. Full opportunities were afforded to the workman to conduct his defence. In the conduct of the enquiry, Rules of law and principles of Natural justice were meticulously complied with. Six witnesses were examined and thirty two documents were marked on the side of the management in the enquiry. The Disciplinary Authority after going through the entire enquiry proceedings and the report of Enquiry officer concurred with the findings of the Enquiry officer holding the delinquent guilty of the charges. A copy of the enquiry report was forwarded to the workman by the Disciplinary authority along with the personal hearing notice. The punishment proposed to be awarded was that of dismissal and the workman was also given an opportunity to make his submissions regarding the proposed punishment. The representation made by the workman was duly considered by the Disciplinary authority. He has spared no efforts in depicting himself as a highly sickly person who had to suffer serious injuries in his effort to comply with the instructions issued by his official superiors. The story of his failing health and grave injuries sustained stand unsupported by any reliable

evidence and can reasonably presumed to be pressed into service for meeting the exigencies of situations. The delinquent was informed well in advance by the Enquiry officer that he would be afforded full opportunity to conduct his defence by cross-examining the witness on the side of the management and by examining his witnesses if any. The enquiry commenced on 22-10-91 was completed only on 24-10-91. Copies of the enquiry proceedings were furnished to the workman. Denial of assistance of a lawyer in this case is not violative of the principles of Natural justice and does not amount to denial of equal opportunity. No haste was therein conducting the enquiry. There was no denial of reasonable opportunity. A personal hearing on the proposed punishment was also granted. While dealing with the evidence under the different heads of charges, the workman has totally ignored the fundamental aspect regarding the standard of proof required in a domestic enquiry. He has dealt with the evidence as if it was criminal trial. The delinquent could not establish that the Branch Manager of Trichy branch was on enimical terms with him. In short going through the evidence as a whole it can be seen that the charges stand proved. The punishment of dismissal awarded commensurated with the gravity of the offence proved and is fully justifiable. The workman is not entitled for any of the benefits claimed. The respondent prays to pass an award upholding the punishment awarded and rejecting the claim of the workman.

4. On behalf of petitioner, Ex. W1 to W26 were marked by consent. On behalf of respondent, Ex. M1 to M35 were marked by consent. No witnesses were examined for both sides.

5. The Point for consideration is : Whether the action of the management of South Indian Bank Ltd, in terminating the services of Shri A. Fredric Constantine w.e.f. 25-1-92 is justified? If not to what relief is he entitled?

6. The Point : The petitioner was a Clerk in Trichy branch of South Indian Bank Ltd., when he was dismissed from service by an Order dated 25-1-92. The said order was marked as Ex. W20. The enquiry report dated 28-12-92 was marked as Ex. M26. A perusal of the same would go to show the following charges:

1. That on 2-4-1991, he refused to accept the order relieving him from Trichy branch on deputation to Br. Kaniyalampatty and unauthorisedly absented from duty from 3-4-91 to 8-4-91.
2. that he refused to do any work after joining duty on deputation at the P. Mettupalayam branch of the bank at 4 p.m. on 12-4-91 and left the branch on the next day by submitting a leave application for his absence from 13-4-91 to 16-4-91.
3. that on 22-4-91 at 4 p.m. he entered the cabin of the Branch Manager of Trichy branch along with a few other persons and abused him using filthy words.
4. that on 22-4-91 at about 11.30 p.m. he went to the lodge where the Branch Manager is residing, accompanied by his friends and got the gate of the lodge opened by telling the watchman that the mother of Branch Manager expired and also that he went to

convey the message to him in person and left the place when Branch Manager did not allow him to enter the room suspecting some foul play.

5. that on 23-4-91 he abused the Branch Manager using many words during lunch recess in the presence of the staff members of the branch.

6. that on 23-4-91 at 3.30 p.m. he threatened the Branch Manager telling that he should not live in Trichy from the next day onwards.

7. that while he was under suspension he came to the branch at about 4.45 P.M. on 4-6-91 and when M/s. K. Madhusoodanan, Accountant, V. Venkitaraman, Cashier and Henry Joseph went inside the safe room for keeping the cash, he closed the safe room door from outside and they could come out of the safe room only when Sri. G. Sampath, Accountant opened the safe room door.

8. that after the above incident he demanded money from Sri. G. Sampath, Accountant and a few other staff members and when they refused to do so he became wild and plucked the telephone wire from the junction box.

7. The Charge memo issued to the workman was marked as Ex. W7 dated 1-7-91. His reply was marked as Ex. W10. Subsequent to the report of the Enquiry officer through Ex. M26, there was a termination order through Ex. W20 dated 25-1-92. The appeal was also dismissed on 29-5-92 through Ex. W22. Thereupon on the 2A petition of the workman there was a Conciliation and the report of the failure of which was marked as Ex. W26. So this reference.

8. The Learned Counsel for the workman contended that the reappraisal of the evidence recorded in the domestic enquiry will go to show the perverse nature of the findings of the Enquiry officer. In order to show that this Tribunal has got power of reappraisal of evidence in the domestic enquiry, reliance was placed upon 1991 II LLN 724, between Engine Valves Ltd. (rep. by its Joint Managing Director, Madras) And 1st Addl. Labour Court, Madras and Anr., wherein the following was observed:

"The Tribunal is now at liberty to consider not only whether the finding of misconduct recorded by an employer is correct, but also to differ from the said finding, if a proper case is made out. What was once largely in the realm of the satisfaction of the employer, has ceased to be so, and now it is the satisfaction of the Tribunal that finally decides the matter."

9. As seen by the verdict in Indian Iron and Steel Company case (1958 I LLJ 260) the law then was that the conduct of Disciplinary proceedings and the punishment to be imposed were all considered to be managerial function with which the Tribunal had no power to interfere, unless the finding was perverse or the punishment was so harsh as to lead to an inference of victimisation or unfair labour practice. This position has now been changed due to introduction of Section 11A of the I.D. Act. That provision indicates that

the tribunal is clothed with the power to reappraise the evidence in the domestic enquiry, satisfy itself whether the said evidence relied on by an employer established misconduct alleged against a workman. Thus what was originally a plausible conclusion that could be drawn by an employer from the evidence, has now given place to a satisfaction being arrived at by the tribunal that the findings of the misconduct is correct. It has also been held in Fire Stone Tyre and Rubber Company case (1973 I LLN 278) that what was largely in the realm of satisfaction of employer has ceased to be and now it is the satisfaction of tribunal that finally decides the matter. Thus, the tribunal has got the power to reappraise the evidence. Now we will do the same.

10. Charge Nos. 1 and 2 framed against the workman was that on 2-4-91, he refused to accept the order relieving him from Trichy branch, on deputation to Kanivalampatty branch and that he had unauthorisedly absented himself from duty between 3-4-91 and 8-4-91; that he refused to do any work after joining duty on deputation at Mettupalayam branch of the bank at 4.00 p.m. on 12-4-91 and left the branch on the next day by submitting a leave application for his absence from 13-4-91 to 16-4-91. In this connection, Thiru T. T. Thomas, Branch Manager was examined in the domestic enquiry and what he said was that on 12-4-91 at 4 p.m. the workman entered the office premises saying that he should be relieved. He deposed that the workman had emphatically told him that he was not prepared to do any work as he wanted to see A.G.M. and talk to him. He also said that the workman represented that he was a heart patient. Thus, there is no offensive word allegedly spoken to by the workman. Although he received the Order of deputation to Kaniyalampatty on 2-4-91 he had reported to duty on 9-4-91 because he has applied leave for the period between 3-4-91 and 8-4-91. According to the workman, the leave was due to his illness. When he was able to produce the leave application, through Ex. W4 for the period between 22-4-91 to 26-4-91 (5 days) no such leave application was shown to have been given for this period between 3-4-91 to 8-4-91. Thus the unauthorised absence for that period was proved and the circumstances and the answer given to T. T. Thomas (MW. 3) in the domestic enquiry will go to show that in order to avoid the deputation, the workman absented. Similarly, he has reported to duty as Mottupalayam to which branch he was transferred on deputation, on 12-4-91. He also left the branch by giving a leave application between 13-4-91 to 16-4-91 and got relieved on 18-4-91 as the person who went on leave returned to duty. This will also go to expose his minds to avoid transfer. Thus Charge Nos. 1 and 2 are proved.

11. The 7th and 8th Charge relate to a trivial matter. The workman came to the branch at about 4.40 p.m. on 4-6-91 when K. Madhusoodanan, Accountant, V. Venkitaraman, Cashier went inside the safe room the delinquent had closed the safe room from outside and the inmates happened to come out only at the intervention of Sri G. Sampath, Accountant who from outside opened the safe room door. Charge No. 8 is that when the delinquent demanded some money from Mr. Madhusoodanan and

others, as the later refused to give, the delinquent became wild and plucked the telephone wire.

12. Regarding 7th Charge, Mr. G. Sampath was examined as MW. 6 in the domestic enquiry. He said that he was not aware of the intention of Sri A. Fredric Constantine, the delinquent workman in closing the door. Even Mr. Venkitaraman who was examined as MW3 in the domestic enquiry has not vividly told against the delinquent MW1 also felt ignorance of the incident. Therefore Charge No. 7 is found not proved. So far as Charge No. 8 is concerned, what MW1 Mr. G. Sampath says is that on 4-6-91 the delinquent asked money from Mr. Madhusoodanan, Tilak Kumar and Venkitaraman that he did not know whether he had paid any amount from him and that there was no provocation from anybody. Neither Madhusoodanan nor Tilak Kumar was examined to show whether there was any demand of money made to them by the delinquent. Even Mr. Venkitaraman who was examined as MW3 in the domestic enquiry had not spoken about Charge No. 8. Thus it is found as not proved.

13. Now the remaining charges are 3 to 6. Charge Nos. 3 and 4 relate to incident on 22-4-91 whereas Charge Nos. 5 and 6 relate to incident on 23-4-91. A careful analysis of evidence of Branch Manager Mr. Burnaboss who was examined as MW5 in the domestic enquiry would go to prove the same. That apart the evidence of Thiru R. P. Raj the Security guard of Hotel Devi Paradise wherein the Branch Manager had stayed also go in support of the charges. Even in para. 5 of the Claim Statement, the workman has stated as follows:

“Accordingly he went to the lodge where the branch manager stayed to express apology for the past incident. But the Branch Manager refused to meet him. Hence he quietly returned.”

Thus, not only from the evidence of Mr. R.P. Raj and Mr. Burnaboss that abusive words uttered by the delinquent was proved but also that it was strengthened by his own admission made in para. 5 of Claim Statement. Thus it is proved that at 10 p.m. on 22-4-91 he went to Hotel Devi Paradise where the Branch Manager stayed. But the workman say that he went there to Tender appology. It is unbelievable that a person would go at 10.00 p.m. to seek apology. What Mr. R. P. Raj, the Security Guard says is that at that time delinquent was in a drunken mood and he had falsely stated as if the mother of the Branch Manager died. Similarly, a careful analysis of the evidence of Mr. Burnaboss, Branch Manager and other witnesses examined on the side of the Management would go to prove the other charges 5 & 6 also. The very fact that R. P. Raj an independent witness had contended about the incident relating to Charge No. 4 would go to show the motive of delinquent against the Branch Manager and this would make us to believe the version of remaining witnesses in respect of the threat made to the Branch Manager by delinquent both on 22-4-91 and 23-4-91 resulting to

Charges 3 to 6. Thus it is found that they are proved.

14. The learned counsel for the Workman relied upon 1996 II LLJ p. 335 between Palghat BPL & PSP Thozhilali Union & BPL India Ltd., Anr., and contended that any conduct committed outside the factory may not amount to misconduct and so the alleged threat made by delinquent in the hotel premises may not also become misconduct. But it is to be seen that what was held in the above cited case is that any act unrelatable to the service committed outside the factory would not amount to misconduct. Again it was found as follows:

“Any act subversive of discipline committed outside the premises is also misconduct. Any act unrelatable to the service committed outside the factory would not amount to misconduct.”

What is unrelatable to service may be misconduct. But workman knew his Branch Manager only as relating to his service and there is no personal relationship and due to his service matter only he had gone to the Lodge where his Manager was staying. Therefore, this citation will only go to establish the misconduct.

15. The Learned Counsel for the respondent also relied upon 1982 I LLJ p. 472 between Rama Kant Misra and The State of U.P. and Others, wherein it was contended as follows:

“When it is said that language discloses a threatening posture it is the subjective conclusion of the person who hears the language because voice modulation of each person in the society differs and indiscreet, improper, abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and... preceded by any blame-worthy conduct cannot permit an extreme penalty of dismissal from service.”

But in this case, the action preceding the incident and subsequent to the same would show the malafides of the delinquent.

16. Again reliance was placed upon 1984 I LLJ p. 546, between Ved Prakash Gupta & Messrs Delton Cable India (P) Ltd., wherein a similar filthy language was found used, which is as follows:

“When informed that it was Durg Singh you without any rhyme and reason or provocation abused Sri Durg Singh in a filthy manner saying (translated in English as— I fuck the mother of Durg Singh, bring him.”

In this connection, the observation made is as follows:

“We are therefore of the opinion that the punishment awarded to the appellant is

shockingly disproportionate regard being to the charge framed against him. We are also of the opinion that no responsible employer would ever impose in like circumstances the punishment of dismissal to the employee and that victimisation or unfair labour practice could well be inferred from the conduct of the management in awarding the extreme punishment of dismissal for a flimsy charge of abuse of some worker or officer of the management by the appellant within the premises of the factory."

Hence it was contended that similar filthy language was allegedly used in this case also and others is also power for this tribunal to interfere in the punishment. This was according to the introduction of Section 11A of the I.D. Act and the observation made in 1989 1 LLJ p. 71 (Scooter India Ltd., Lucknow Vs. Labour Court, Lucknow & Others). So considering the entire circumstances and the observation made in 1984 1 LLJ p. 546 and also distinguishing circumstances are there in this case, as the workman had regularly and frequently misbehaved, it is found that instead of reinstatement in the same post, we can give him some kind of punishment and not total termination. Thus it is found that although the charges 1 to 6 were found proved, the delinquent may be given an opportunity to mend himself and he can be put in a rank lower than the post of clerk. Thus one reduction in status of service will meet the ends of justice. The Order of termination is set aside and the petitioner is ordered to be reinstated in one post lower than that of the clerical post. It can be offered as and when first vacancy arises in the lower post. There is no continuity of service since reduction in status is made. Applying the principle of "No pay for No work", there is no backwages for the absence period. Award passed accordingly. No costs.

Dated at Chennai, this 30th day of November, 2000.

Sd/- Ulegible.
Industrial Tribunal

I. D. No. 77/95

Witnesses Examined

For Petitioner/Workman : None.

For Respondent/Management : None.

Documents marked

For Petitioner/workman

- Ex. W1 12-4-91 Order deputating the petitioner to Metropolitan Branch.
- Ex. W2 18-4-91 Letter from the Branch Manager of Mettupalayam stating that he was received in order to join at Trichy.
- Ex. W3 20-4-91 Letter from Trichy office informing about the relieving of petitioner from Trichy.
- Ex. W4 23-4-91 Leave application.
- Ex. W5 4-5-91 Letter from Branch Manager of Mettupalayam.
- Ex. W6 21-5-91 Suspension order.
- Ex. W7 1-7-91 Charge memo.
- Ex. W8 27-7-91 Letter from Branch Manager, Trichy directing the petitioner to submit leave application.

Ex. W9 27-7-91 Letter from Branch Manager Trichy to petitioner about the deputation to Kaniyalampatty Branch.

Ex. W10 27-7-91 Reply to Charge-memo.

Ex. W11 21-8-91 Letter from the enquiry officer.

Ex. W12 30-8-91 Letter from the Branch Manager to the petitioner relating to his request for special Medical leave.

Ex. W13 6-9-91 Letter from Enquiry Officer regarding Postponment of enquiry.

Ex. W14 13-9-91 Letter from Enquiry Officer.

Ex. W15 23-9-91 Letter from the petitioner to the Enquiry Officer enclosing Medical certificate.

Ex. W16 23-9-91 Medical certificate.

Ex. W17 4-10-91 Letter from the enquiry officer to the Petitioner.

Ex. W18 9-1-92 Letter from the Disciplinary authority asking the petitioner to show cause why he should not be dismissed from service.

Ex. W19 9-1-92 Report from the enquiry officer.

Ex. W20 25-1-92 Dismissal order.

Ex. W21 22-2-92 Appeal by the petitioner to the Appellate authority.

Ex. W22 29-5-92 Order of the Appellate authority.

Ex. W23 16-2-94 2A petition.

Ex. W24 27-4-94 Remarks of the bank before the Conciliation officer.

Ex. W25 15-6-94 Letter from the petitioner to the Conciliation Officer.

Ex. W26 5-8-94 Conciliation failure report.

Documents on behalf of Management :

Ex. M1 25-5-88 : Letter from the petitioner to the Respondent.

Ex. M2 27-12-89 : Circular from the Respondent.

Ex. M3 16-6-90 : Letter from the Respondent to the petitioner.

Ex. M4 30-3-91 : Circular from the respondent.

Ex. M5 Apr'91 : Attendance register.

Ex. M6 2-4-91 : Letter from the respondent to the petitioner.

Ex. M7 2-4-91 : Telegram from the petitioner to the respondent.

Ex. M8 2-4-91 : Telegram from the petitioner to the respondent.

Ex. M9 9-4-91 : Letter from the respondent to the petitioner.

Ex. M10 9-4-91 : -do-

Ex. M11 9-4-91 : -do-

Ex. M12 18-4-91 : -do-

Ex. M13 20-4-91 : -do-

Ex. M14 23-4-91 : Application for leave from the petitioner to Respondent.

Ex. M15 27-4-91 : -do-

Ex. M16 8-4-91 to 20-4-91 : Attendance register from the respondent to the petitioner.

Ex. M17 6-5-91 : Rent receipt from the petitioner to respondent.

Ex. M18 8-5-91 : Letter from the respondent to the petitioner.

Ex. M19 21-5-91 : Memo from the respondent to the petitioner.

Ex. M20 28-5-91 : Telegram from the respondent to the petitioner.

Ex. M21 June'91 : Attendance register.

- Ex. M27 1-7-91 Memo from the respondent to petitioner.
 Ex. M23 24-9-91 : Enquiry proceedings from the respondent to Petr.
 Ex. M24 22-10-91 : -do-
 Ex. M25 24-10-91 : Show cause notice.
 Ex. M26 28-12-91 : Enquiry report from the respondent to the petitioner.
 Ex. M27 9-1-82 : Personal hearing Notice from the Respondent to the petitioner.
 Ex. M28 16-2-94 : Petition for Labour Commissioner (Ernakulam) from the Respondent to the petitioner.
 Ex. M29 2-4-94 : Letter from the Labour Commissioner
 Ex. M30 7-4-94 : Notice issued by the respondent to the Petitioner.
 Ex. M31 27-4-94 : Reply notice from the respondent to the Petr.
 Ex. M32 19-4-92 : Ledger.
 Ex. M33 20-4-91 : Parking Ledger.
 Ex. M34 .. : Acknowledgement Card
 Ex. M35 .. : Translation in Enquiry proceedings from the respondent to the petitioner.

नई दिल्ली, 10 जनवरी, 2001

का. आ. 190.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2000- (सी-II)]
 एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th January, 2001

S.O.190.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court, Godavari Khani, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 9th January, 2001.

[No. L-22025/25/2000-C-III]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
 TRIBUNAL-CUM-LABOUR COURT,
 GODAVARIKHANI.

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L.,
 Chairman-cum-Presiding Officer.

Wednesday, the 8th Day of November, 2000

Industrial Dispute No. 35 of 1997

BETWEEN :

M. Vecraiah,
 S/o. Ramaiah, Age 38 years.,
 Occ : General Mazdoor, SCC Ltd.,
 H. No. 596, C/o. Ram Reddy,
 Kamanpur Mandal,
 Karimnagar Dist.

... Petitioner

AND

1. The Chairman and Managing Director,
 Singareni Collieries Co. Ltd.,
 Hyderabad.

2. The General Manager,
 Singareni Collieries Co. Ltd.,
 Ramagundam Area-III,
 Godavarikhani,
 Dist. Karimnagar.

... Respondents

This petition coming before me for final hearing in the presence of Sri K. Sudhakar Reddy, Advocate for the petitioner and of Sri C. Satyanarayana Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A. P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as General Mazdoor on 30-4-83. He joined duty on 16-7-83. On 24-12-93, he was going on a motor cycle, he was stopped at open cast project-I by Jamedar. His vehicle was seized on the allegation that he was carrying hydraulic oil belonging to the respondent company. Charge-sheet was issued on 26-12-93. He was suspended for 10 days. Domestic enquiry was conducted. He was dismissed from the service on 6-9-95.

2. Respondent No. 2 filed counter stating that the petitioner was caught red-handed while he was carrying hydraulic oil in the fuel tank of Rajdoot motor cycle which was specially designed. The management was not satisfied with the explanation of the petitioner and conducted domestic enquiry. The petitioner participated in the enquiry. Full opportunity was given to the petitioner in the enquiry.

3. Ex. M-1 to Ex. M-12 are marked.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. POINT : The petitioner questioned the validity of the enquiry on the ground that he was illiterate and does not know English. The enquiry proceedings were conducted in English.

Counsel for the petitioner has not cited any authority to show that the enquiry proceedings conducted in English against a worker is invalid.

If the worker is prejudiced by the proceedings for the reason of conducting the proceedings in English then, it can be considered.

In the present case, the petitioner admitted that he was carrying hydraulic oil in a motor cycle and his motor cycle was seized.

The petitioner produced a quotation showing that he purchased hydraulic oil.

The petitioner was working as General Mazdoor in the respondent company.

He was caught red-handed while carrying hydraulic oil. He did not produce any receipt at the time of seizure of hydraulic oil from him.

7. Ex. M-3 is explanation to the charge-sheet. The petitioner stated that he purchased the oil at N.T.P.C., and carrying it on a vehicle.

Ex. M-4 is a quotation produced by the petitioner. It is not a receipt. It is a quotation dt. 23-12-93. It shows the name of the petitioner, the rate of oil and nothing else. It contains L.T.M. of the petitioner. It cannot be believed that Ex. M-4 is a receipt for purchasing 16 litres of hydraulic oil.

The petitioner did not state in Ex. M-3 explanation that he purchased 16 litres of hydraulic oil on 23-12-93 for Rs. 640/-.

The petitioner did not state the purpose for which he purchased 16 liters of hydraulic oil.

8. Ex. M-5 is enquiry report and proceedings. The enquiry report shows that the security Guard and another witness were examined on behalf of the management and the petitioner did not cross-examine them.

The petitioner got himself examined as a witness and stated that he purchased the oil on 23-12-93 and carrying the same on the next day.

The petitioner did not state the purpose for which he purchased the oil. His statement is not believed.

I consider that the charge against the petitioner is proved.

The petitioner was charged with committing theft of hydraulic oil from the respondent company. He was found carrying the same in a specially designed vehicle. He was caught red-handed.

I, therefore, consider that the punishment of removal of the petitioner from the service is in proportion to the charge. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 8th day of November, 2000.

P. GURUNADHA RAO,
Chairman-cum-Presiding Officer

Appendix of Evidence
Witnesses-examined

For workman : NIL

For Management : NIL

Exhibits

For workman : NIL

For Management :

Ex. M-1 dt. 24-12-93 Report of Sr. Inspector, Security, RG-III.

Ex. M-2 dt. 26-12-93 Charge-sheet.

Ex. M-3 dt. 2-1-94 Reply to charge-sheet.

Ex. M-4 dt. 23-12-93 Quotation bill of Rama Petroleum (xerox copy) for Rs. 640/- (six hundred forty only).

Ex. M-5 dt. . . Enquiry report and enquiry proceedings.

Ex. M-6 dt. 28-12-94 Proposal for dismissal of petitioner.

Ex. M-7 dt. 31-5-95 Notice issued to petitioner for collecting a copy of enquiry report.

Ex. M-8 dt. 20-11-95 Representation of the petitioner.

Ex. M-9 dt. 6-9-95 Dismissal order.

Ex. M-10 dt. 22-12-95 Copy of writ petition No. 28844/95.

Ex. M-11 dt. 13-2-96 Letter addressed to the petitioner by the General Manager, RG-III, (xerox copy).

Ex. M-12 dt. . . Telugu daily newspaper Andhra Jyothi calling the petitioner to submit his appeal.

नई दिल्ली, 10 जनवरी, 2001

AWARD

का. अ. 191.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एन. के प्रबन्धन के संबंध नियंत्रकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2001 को प्राप्त हुआ था।

[सं. एन-22025/25/2000-सी-II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th January, 2001

S.O. 191.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court, Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 9-1-2001.

[No. L-22025/25/2000-C-II]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B. Sc., B.L., Chairman-
cum-Presiding Officer.

Wednesday, the 8th day of November, 2000.

Industrial Dispute No. 111 of 1997

BETWEEN :

Arkulla Mallanna, S/o. Raja Lingu,
Aged 32 yrs., Ex.-E. P. Operator (Trainee),
R/o H. No. T2-644, Tilaknagar,
P.O. Vittalnagar, Godavarikhani-505 214,
Dist. Karimnagar. —Petitioner.

AND

1. The Singareni Collieries Co. Ltd.,
Represented by its Director (P, A&W),
P.O. Kothagudem-507 101,
Dist. Khammam.
2. The General Manager,
Open Cast Project-III,
M/s. S.C. Co. Ltd.,
P.O. Godavarikhani-505 209,
Dist. Karimnagar. —Respondents.

This petition coming before me for final hearing in the presence of Sri E. Venugopal, Advocate for the petitioner and of Sri C. S. N. Reddy, Advocate for the respondents and having stood over for consideration till this date, the court passed the following :—

1. This is a petition filed u/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act, 1987.

Facts of the case briefly are as follows :—

The petitioner was appointed as E. P. Operator by order dt. 27-6-95. He underwent training for a period of three months from 15-7-95. He was charged for having given false information regarding his driving license. He was removed from the service on 18-4-97 after enquiry.

2. Respondent No. 2 filed counter stating that the driving license of the petitioner was sent to the R.T.A. Hyderabad for verification. It was informed that the Driving License of the petitioner was not genuine. A sarge-sheet was issued to the petitioner. The petitioner submitted his explanation Domestic enquiry was conducted. As the petitioner was not having valid heavy vehicle Driving License as on the date of his appointment, he is not entitled to work as E. P. Operator.

3. Ex. M-1 to Ex. M-14 are marked.

4. Heard both sides.

5. The point for consideration is whether the charge against the petitioner is proved, if so, whether the punishment of removal of the petitioner from the service is in proportion to the charge.

6. Point.—Ex. M-2 is provisional appointment order dt. 27-6-95. It is mentioned in the order that the appointment is subject to verification of antecedents and original certificates.

Ex. M-3 is letter from the licensing authority, R.T.A., Hyderabad. The Driving License of the petitioner was verified and found not genuine.

Ex. M-4 is charge-sheet.

Ex. M-6 is explanation to the charge-sheet. The petitioner stated that he obtained driving license through brokers. It was converted to Heavy Vehicle Driving License on 8-12-84. It was renewed upto 21-11-88 at Hyderabad. He got it transferred to Karimnagar and the license was renewed upto 1995.

7. Ex. M-9 is enquiry report. It shows that the presenting officer stated that the appointment of the petitioner was subject to terms and conditions. The original driving license of the petitioner was verified with the licensing authority, R.T.A., Hyderabad. It was found not genuine. Copy of letter received from the licensing authority R.T.A., Hyderabad was given to the petitioner. The petitioner stated in the enquiry that he has nothing to say about the letter of the licensing authority, R.T.A., Hyderabad.

On the basis of the letter from the licensing authority, R.T.A., Hyderabad and the petitioner not contesting against the said letter, the enquiry officer came to the conclusion that the charge was proved.

8. Ex. M-10 is enquiry proceedings. The petitioner participated in the enquiry.

Ex. M-11 is order dt. 18-4-97. It shows that the report of the enquiry officer was furnished to the petitioner and the petitioner made representation on 7-1-97. It was found not satisfactory. Thereafter, the petitioner was dismissed from the service.

9. This is a case where the petitioner produced a false driving license and obtained job. The driving license of the petitioner was verified with the licensing authority at Hyderabad. The petitioner was given opportunity to defend himself in the enquiry. The petitioner, did not produce any evidence to show that the driving license was genuine.

If the driving license was not genuine, the appointment of the petitioner comes to an end. It is not punishment given to the petitioner. The petitioner is not entitled to continue in the service if his Driving License is not genuine. Since the driving license of the petitioner is not genuine, the petitioner is removed from the service.

I, therefore, consider that the charge against the petitioner is proved. It is not punishment given to the petitioner. It is consequence of the petitioner producing a false Driving License. There cannot be any other order except to remove the petitioner from the service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 8th day of November, 2000.

P. GURUNADHA RAO, Chairman-cum-Presiding Officer.

APPENDIX OF EVIDENCE

Witnesses-examined

For Workman :—

Nil.

For Management :—

Nil.

EXHIBITS

For Workman :—

Nil.

For Management :—

Ex. M-1 dt. 15-7-95.—Copy of training of E. P. Operator of the petitioner.

Ex. M-2 dt. 27-6-95.—Provisional appointment order of petitioner (xerox copy).

Ex. M-3 dt. 17-4-96.—Copy of verification report of the driving license.

Ex. M-4 dt. 18/20-5-96.—Charge-sheet (xerox copy).

Ex. M-5 dt. 30-5-96.—Acknowledgement.

Ex. M-6 dt. 9-6-96.—Reply to the charge-sheet.

Ex. M-7 dt. 22-11-82.—Driving license of the petitioner (xerox copy).

Ex. M-8 dt. 8-11-96.—Enquiry notice.

Ex. M-9 dt. 19-11-96.—Enquiry report of the enquiry officer.

Ex. M-10 dt. 4-11-96.—Enquiry proceedings.

Ex. M-11 dt. 18-4-97.—Office-order.

Ex. M-12 dt. . . . Acknowledgement.

Ex. M-13 dt. 23-12-96.—Letter addressed to the petitioner by the Training Manager, TTC, Manuguru.

Ex. M-14 dt. 7-1-97.—Application of the petitioner (xerox copy).

नई दिल्ली, 10 जनवरी, 2001

का. आ. 192.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय गोदावरी खानी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-1-2001 को प्राप्त हुआ था।

[सं. एल-22025/25/2000-सी-II]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 10th January, 2001

S.O. 192.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal/Labour Court Godavarikhani as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 9-1-2001.

[No. L-22025/25/2000-C-II]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CHAIRMAN INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GODAVARIKHANI

PRESENT :

Sri P. Gurunadha Rao, B.Sc., B.L., Chairman-cum-Presiding Officer.

Wednesday, the 8th day of November, 2000

Industrial Dispute No. 189 of 1997.

BETWEEN

P. Samba Murthy, S/o, Veeraiah,
Age 34 yrs., Or. No. T2-1152,
8 Incline colony,
Godavarikhani.

—Petitioner.

AND

The General Manager,
S. Co. Ltd., Ramagundam Area-III,
Godavarikhani, Karimnagar.

—Respondent.

This petition coming before me for final hearing in the presence of Sri G. Ravi Mohan, Advocate for the petitioner and of Sri C. Satyanarayana Reddy, Advocate for the respondent and having stood over for consideration till this date, the court passed the following :—

AWARD

1. This is a petition filed U/s. 2-A(2) of the Industrial Disputes Act, 1947, as amended by A.P., Amendment Act 1987.

Facts of the case briefly are as follows :—

The petitioner passed S.S.C., in the year, 1977. He completed I.T.I. in Electrician Trade in the year, 1983. Basing on his qualification and experience, he was appointed as electrician on 26-4-85. On 4-2-90, charge-sheet was issued, Domestic enquiry was conducted and he was removed from the service on 2-12-92.

2. Respondent filed counter stating that the petitioner was appointed as Electrician on 2-6-89, but not on 26-4-85. The I.T.I. certificate of the petitioner was sent to the Director, Training and Employment, Hyderabad for verification. The Commissioner, Employment and Training, Govt. of A.P., Hyderabad informed that the provisional certificate of the petitioner was not genuine. The signature of the Regional Director was forged. Basing on this information, the petitioner was charge-sheeted on 4-2-90. The explanation of the petitioner was not satisfactory. Enquiry was conducted. The petitioner was given full opportunity to defend himself. The petitioner was dismissed from service w.e.f. 9-12-92.

3. Ex. M-1 to Ex. M-31 are marked.

Petitioner absent. His advocate absent.

4. Heard respondent.

5. The point for consideration is whether the charge against the petitioner is proved.

6. POINT : Ex. M-1 is charge-sheet.

Ex. M-2 is explanation of the petitioner.

The petitioner stated that his I.T.I. certificate is genuine. He got it after undergoing two years regular classes and going through examinations.

Ex. M-30 is explanation of the petitioner. The petitioner stated that the charge-sheet dt. 4-2-90 was suspended by the High Court and therefore, the enquiry is vitiated and liable to be set-aside.

The petitioner further stated that he is not responsible for the forged certificate as the private managements of the I.T.I.s are responsible for issuing forged certificates.

7. Ex. M-28 is letter dt. 3-9-92 from the petitioner. It shows that the petitioner received enquiry report and proceedings and other documents on 30-8-92.

Ex. M-9 is enquiry report. It shows that the petitioner did not cross-examine the management witness.

The petitioner got himself examined as a witness.

On the basis of the evidence on record, the enquiry officer came to the conclusion that the charge against the petitioner is proved.

8. This is a case of producing forged certificate. The management verified the certificate produced by the petitioner and the management was informed by the concerned authority that the certificate produced by the petitioner was not genuine.

The petitioner did not adduce any evidence to show that the certificate produced by him was genuine.

I, therefore, consider that the charge against the petitioner is proved.

The petitioner was given employment on the basis of the certificate produced by him. It was found not genuine.

The management did not impose any punishment on the petitioner.

It is the consequence of the petitioner producing a false certificate.

The petitioner is not entitled to continue in service when his certificate was found not genuine.

Therefore, the management removed the petitioner from the service. Hence, I answer the point accordingly.

In the result, this petition is dismissed. The order of removal of the petitioner from the service is confirmed. Each party do bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court on this, 8th day of November, 2000.

P. GURUNADHA RAO, Chairman-
cum-Presiding Officer

Appendix of Evidence

Witnesses-examined

For workman:

—Nil—

For Management

—Nil—

Exhibits

For workman:

—Nil—

For Management:—

Ex. M-1 dt. 4-2-90 : Charge-sheet.

Ex. M-2 dt. 6-2-90 : Explanation to the charge-sheet.

Ex. M-3 dt. 27-4-90 : Enquiry proceedings.

Ex. M-4 dt. 27-1-88 : Letter addressed to the petitioner by the Chief Personnel Officer, Kothagudem.

Ex. M-5 dt. 23-2-88 : Office order.

- Ex. M-6 dt. 9-2-89 : Copy of letter addressed to the Director of Employment and Training Govt. of A.P., Hyderabad by the Director, (Personnel) for verification of I.T.I. certificates.
- Ex. M-7 dt. 15-12-89 : Lt. No. 12/245/89 of the Commissioner, Employment & Training, A.P., Hyderabad.
- Ex. M-8 dt. 2-6-89 : Office-order.
- Ex. M-9 dt. 18-7-92 : Enquiry report.
- Ex. M-10 dt. 15-4-90 : Enquiry notice.
- Ex. M-11 dt. 27-4-90 : Application of the petitioner.
- Ex. M-12 dt. —do— : Lt. addressed to the petitioner by the enquiry officer.
- Ex. M-13 dt. 29-4-90 : Enquiry notice.
- Ex. M-14 dt. 18-5-90 —do—
- Ex. M-15 dt. 10/13-1-92 : Enquiry call letter.
- Ex. M-16 dt. 30-1-92 : —do—
- Ex. M-17 dt. 6-3-92 : Enquiry notice.
- Ex. M-18 dt. 11-3-92 : —do—
- Ex. M-19 dt. 14-3-92 : Postal returned cover.
- Ex. M-20 dt. 17-3-92 : Enquiry notice.
- Ex. M-21 dt. —do— : Application of the petitioner.
- Ex. M-22 dt. 19-4-92 : Enquiry Notice.
- Ex. M-23 dt. 4-6-92 : —do—
- Ex. M-24 dt. 16-6-92 : —do—
- Ex. M-25 dt. 19-6-92 : Authorisation letter of Sri. G. Soloman, APCMS (INTUC) Office Secretary.
- Ex. M-26 dt. 21-6-92 : Letter addressed to the petitioner by the enquiry officer.
- Ex. M-27 dt. 18-8-92 : Notice issued by the G.M., RG-III, to the petitioner.
- Ex. M-28 dt. 3-9-92 : Application of the petitioner.
- Ex. M-29 dt. 11-9-92 : Letter addressed to the petitioner by G.M., RG-III for granting one month time.
- Ex. M-30 dt. 27-9-92 : Explanation to the notices.
- Ex. M-31 dt. 2-12-92 : Dismissal letter of the petitioner.

नई दिल्ली, 11 जनवरी, 2001

का. सा. 193.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गन में, केन्द्रीय सरकार एफ. सी. आई. के प्रवन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण /

श्रम न्यायालय नागपुर के बंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/67/96—सी-11]

एन. पी. केशवन, डेस्क अधिकारी

New Delhi, the 11th January, 2001

S.O. 193.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 10-1-2001.

[No. L-22012/67/96-C-II]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-165/2000

Employers in relation to the management of Food Corporation of India, Nagpur

AND

Their Workman Shri Abdul K. S. Haneef.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/67/96-IR(C-II) dated 10-3-1997 on the following schedule.

SCHEDULE

“Whether the action of the management of FCI, Nagpur in discontinuing his services in the year 1980 and in not reappointing the workman Sh. Abdul K. S. Haneef in the year 1991 at par with other workers/loaders of equal status is just and legal? If not, what relief the workman is entitled to and from which date? What other directions are necessary in the matter?”

This reference was sent to CGIT Court No. 1 at Mumbai on 10-3-97. The case was registered on 19-3-97 in that court. The workman did not submit any statement of claim.

This file has been received in this court in June, 2000. 16-8-2000, 10-10-2000, 9-11-2000 and 8-12-2000 were fixed in this court. The workman did not turn up in the court. Nobody appeared to represent the case of the workman in this court also.

The workman has not submitted his statement of claim either himself or through any advocate. None from his union turned up to contest the case. The reference shows that the services of the workman was discontinued in 1980. It appears that the workman is not interested in contesting his case. The representative of the management Shri G. R. Sonaye is present today. He represented that the workman did not work from 1982 to 1991 when the departmentalization took place.

The workman has not submitted any statement of claim so far, hence no relief can be granted to him.

ORDER

The reference is disposed off for want of prosecution. The workman is not entitled to any relief.

B. G. SAXENA, Presiding Officer

Date : 8-12-2000.

नई दिल्ली, 11 जनवरी, 2001

का. आ. 194.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू. सी. एल. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 10-1-2001 को प्राप्त हुआ था।

[सं. एल-22012/160/95-(सी-II)]

एन. पी. केशवन, डेस्क प्रधिकारी

New Delhi, the 11th January, 2001

S.O. 194.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Nagpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of W.C.L. and their workman, which was received by the Central Government on 10th January, 2001.

[No. L-22012/160/95-(C-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT :

Shri B. G. Saxena, Presiding Officer.

Reference No. : CGIT-163/2000

Employers in relation to the management of W.C.L.

AND

Their Workman Shri Matala Rajaya Ballaya.

AWARD

The Central Government, Ministry of Labour, New Delhi by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Dispute Act, 1947 has referred this dispute for adjudication vide order No. L-22012/160/95/IR(C. II) dated 27-1-1997 on the following schedule.

SCHEDULE

“Whether the action of the management of Rayatwari Colliery in retiring Sh. Matala Rajaya Ballaya on the basis of the age determined by Age Determination Committee is legal and justified? If not, what relief the workman is entitled to?”

This reference was sent by Ministry of Labour to CGIT Court No. 1 at Mumbai on 27-1-97.

The statement of claim was filed by Matala Rajaya Ballaya on 1-4-97 through advocate Shri R. S. Bhure in the CGIT Court No. 1 at Mumbai. The party No. 2 in this case was Secretary, Sanyukta Khadan Mazdoor Sangh (AITUC), District Chandrapur through which the matter was referred to Ministry of Labour.

On 17-6-97 management of W.C.L. submitted written statement and disputed the claim of workman.

The order sheet dated 5-3-97 of CGIT Court No. 1 Mumbai shows that both the parties were directed to submit their documents and further hearing was fixed at Nagpur on 28-5-97, but there is no order-sheet dated 28-5-97.

The order-sheets dated 9-7-97 and 13-10-97 show that the further orders were not passed. The last order-sheet dated 4-12-97 on the file of CGIT No. 1, Mumbai shows the undernoted order.

“Next date will be intimated”.

This file was received in CGIT Court at Nagpur in June, 2000 and information was sent to both the parties for appearance on 30-6-2000. The next date fixed was 14-8-2000. On 14-8-2000 the counsel for workman represented that workman had died.

On 8-9-2000 application was moved by Shri R. S. Bhure, advocate that Matala R. Ballaya workman expired on 26-2-98. He also represented that he had moved one application in March, 1998 which is not on the file.

He submitted true copy of the application dated 10-3-98 for taking legal representatives of the deceased, Matala Rajaya Ballaya on file.

The arguments of the counsel Shri R. S. Bhure and the counsel for management Shri B. N. Prasad were heard. The counsel for the workman submitted ruling 1999 Lab. I.C. 286 and 1996(2) L.L.N. 726 on the point that proceedings can continue under section 10(8) of I.D. Act after the death of workman.

I have considered this ruling. The ruling Smt. Dhanalakshmi vs. Reserve Bank of India 1999 Lab. I.C. 286 shows that the legal heirs can be

brought on record if the relief of pecuniary benefits can be granted to the legal heirs under section 33(1) (b) or 2(b) or 33(3). From this ruling it is evident that if any amount is left unpaid to the deceased, then the proceedings can continue.

In the second ruling Central Bank of India vs. C.G.I.T. & Others 1996(2) L.L.N. 726, it is held that right of a workman to be reinstated in service after grant of declaration that termination of his service is unlawful, is personal to him and shall become impossible to be enforced after his death.

From this ruling it is clear that a dead person can not be reinstated into service. After the death of the workman the dispute between him and management has come to an end and does not exist now. The workman during his life-time was given opportunity to show documents and proof of his age by the management and he had availed of this opportunity. The legal heirs can not be reinstated in service in place of deceased workman.

In the light of above facts, the above rulings are not applicable in this case. The deceased had retired. He had received all the benefits of his service during his life-time. Hence, application dated 10-3-98 for taking the legal heirs on record was rejected by this court on 1-12-2000.

The parties did not produce any further evidence in this case. The documents and the written arguments have already been filed by the advocates of both the parties in this case.

The workman had claimed that he was appointed as loader with effect from 4th January, 1973. At the time of appointment the workman had informed the date of birth and had also submitted the copy of his age certificate issued from Gram Panchayat. The details of his age was noted by concerned clerk. The workman had submitted date of birth certificate and his date of birth in that certificate was mentioned as 24-10-1944. In 1987 workman was suffering from poor vision and was provided work at surface as a general mazdoor.

The workman further claimed that in 1989 the clerk of the office called him and asked him to submit a fresh age certificate so that his service book may be completed.

On 14-10-1983 an order was served upon him for retiring him from 16-10-1993 on completing 60 years of his age.

The dispute was raised by him before A.L.C. through letter dated 9-3-1994.

The management had submitted written statement on 17-6-1997. Both the parties have also submitted documentary evidence in this case.

The workman claimed that his retirement from 16-10-1993 is illegal and the order dated 14-10-1993 be set aside.

Both the parties have submitted their written arguments. I have considered the evidence on record.

The W.C.L. contested the case through Sub-Area Manager, Chanda Rayatwari Sub-Area of WCL. Shri B. N. Prasad, advocate represented the management.

On 19-6-1986 the workman was directed to submit his age certificate and appeared before Sub-Area Manager on 21-6-1986. As the workman had not submitted his age certificate when his services were transferred to W.C.L., the letter was issued to Superintendent of Mines, Chanda Rayatwari Colliery on 14-5-1988 and Superintendent of Mines was advised to submit record within 6 days, otherwise the matter will be referred to the Age Determination Committee and decision of the Age Determination Committee of W.C.L. would be final. The claimant, Matala Rajaya Ballaya did not produce any certificate or document as proof of his age inspite of all the above notices. Coal Mines Provident Fund record also did not contain the age of Shri Ballaya.

On the advice of General Manager an Age Determination Committee was constituted vide office order No. WCL/CHA/SAM/RSA/2781 dated 9/11-6-1988 for examining all the cases of Chanda Rayatwari Colliery. On 11-6-88 Matala Rajaya Ballaya was again given opportunity to submit documents regarding his age. After verifying the documents and ascertaining other particulars from other persons and Medical Examination the committee determined the age of Matala Rajaya Ballaya. His date of birth was determined as 1st July, 1932. This information was given to claimant, Matala Rajaya Ballaya also.

On 1-1-90 the workman submitted certificate showing his date of birth 5/9/1944. As his age had already been determined by Age Determination Committee, his representation was rejected. The workman was retired from 16-10-1993.

The management did not believe that on 11-6-88 his date of birth was determined as 1-7-1932 then how the Gram Panchayat mentioned his age 14-10-44 i.e. reducing age by 12 years and 3 months.

It is admitted to both the parties that the claimant has died on 26-2-98.

Under section 10(8), ID Act the proceedings could continue provided there was the question of the payment of any amount which was left to be paid to the heirs after the death of the workman. Under section 33(1), it is specifically mentioned where any money is due to a workman from an employers under a settlement or an award in case of death of workman his assignee or heirs may without prejudice to any mode of recovery can make an application to the appropriate Government for the recovery of the money due to him.

The counsel for the workman had cited ruling 1999 Lab. I.C. 286. In this ruling also it is held that the relief of pecuniary benefits can be granted to the heirs. So the scope of section 10(8) is limited. This section is only enacted to make payment of some money which is left unpaid to the deceased. The dispute therefore can not continue if the workman has been paid his dues after his retirement from the service.

Another ruling 1996(2) L.L.N. 726 had been submitted. From the ruling it is clear that a workman cannot be reinstated in service after his death. The heirs of the deceased can bring an action in a court relating to the rights which survive after the death of the workman.

In this case the workman had retired on 16-10-93. He died on 26-2-98. The workman had received all the amount of G.P. Fund and Gratuity etc. during his life time. There is nothing on record to show that any amount was left unpaid to the workman Matala Rajaya Ballaya.

The matter of determination of the age was also considered by the management during the life time of the workman, when he was in service. The management had also constituted the age determination committee to decide that issued before his retirement and workman has given full opportunity to produce all the documents that the workman had in his possession regarding his age. The workman could not submit any document before the management to show that he was not born on 1st July, 1932.

It is not believable that a Sarpanch of Gram Panchayat had got authority to reduce the age of any workman by more than 12 years. The difference in the age of any person can be hardly for a 1 or 2 years and the medical report can somehow justify it. A Sarpanch of Gram Panchayat is not a qualified person to determine the age of any workman.

The order of WCL/CHA/SAMRSA/PER/2640 dtd. 14-10-1993 Exhibit 10 on this file shows that age was determined by Age Determination Committee during 1988 in which 7 persons were involved. Matala Rajaya Ballaya's age was determined as 1st July, 1932. The age certificate submitted by the workman is dated 14-12-89. The Sarpanch has not mentioned anywhere as to how he has mentioned the date of birth in the certificate. He also did not attach the death and birth record or any certified copy of that register. The Sarpanch also does not appear a well literate person. He has mentioned in the certificate the under noted line "He date of birth 5-9-1944". This Sarpanch was unable to understand the meaning of English word he and his. He did not enclose the death and birth record of the Gramin Panchayat with the certificate. The workman had submitted this certificate before the management on 1-1-90. It shows that this certificate was not available to the workman in 1988, when he was given opportunity by the management to produce his certificate concerning age vide notice dated VEKOL/CHAKSHE KHA PRA/RAYAT/67779 dated 9-6-1988.

In view of the above circumstances the workman had retired on completing 60 years of age. He had received all the benefits i.e. Gratuity and other payments due to him during his life time.

In the above circumstances this is not the case of reinstatement into the service. The legal heirs can not claim any relief.

The workman has died on 26-2-98 and proceedings therefore can not continue further.

The written arguments of the parties and documents submitted by parties have been discussed above at length and the reference is therefore finally disposed off.

ORDER

The action of the management of Rayatwari Colliery in retiring Matala Rajaya Ballaya on the basis of the age determined by Age Determination Committee was legal and justified. The workman has died and no relief can be granted to his heirs.

The reference is answered accordingly.
Date : 11-12-2000.

B. G. SAXENA, Presiding Officer

नई दिल्ली, 12 जनवरी, 2001

का. आ. 195.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैगर्स श्रीनाथ इन्टरप्राइजेज के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एन-29011/4/97—आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th January, 2001

S.O. 195.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Srinath Enterprises and their workman, which was received by the Central Government on 5-1-2001.

[No. L-29011/4/97-IR (Misc.)]

B. M. DAVID, Under Secy.

अनुबंध

न्यायधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राज.
पीठासीन अधिकारी—श्री महेश चन्द्र भगवती, आर. एच. जे. एम.
निर्देश प्रकरण क्रमांक ओ. न्या./केन्द्रीय 15/97

दिनांक स्थापित 22/5/97

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश
संख्या एन. 29011/04/97 आई. आर. (विविध)

दिनांक :—

निर्देश अन्तर्गत धारा 10(1) (घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

पंजी राष्ट्रीय खान मजदूर मंच इस्टक रामगज मन्डी

प्रार्थीगण श्रमिक यूनियन

एवं

मैमर्स श्रीनाथ इन्टरप्राइजेज प्रा. लि. चेचट लार्डमस्टोन खदान
चेचट

-----अप्रार्थी नियोजक

उपस्थित

प्रार्थी गण श्रमिक यूनियन की ओर से प्रतिनिधि :—

श्री सतीश पचौरी

अप्रार्थी नियोजक की ओर से प्रतिनिधि :—

श्री एम. सी. भरवा

प्रबन्धक मार्टिन्स

अधिनिर्णय दिनांक 22/11/2000

अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय नई दिल्ली द्वारा अने उक्त आदेश के जरिये निम्न निर्देश विवाद अनुसूची औद्योगिकी विवाद अधिनियम 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जायेगा) की धारा 10(1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :—

"क्या प्रबन्धन मैमर्स श्रीनाथ इन्टरप्राइजेज प्रा. लि. चेचट लार्डमस्टोन खदान चेचट द्वारा उनकी खान में कार्यरत कर्मकार के लिए समझौता वार्ता द्वारा दैनिक मजदूरी से बढ़ाती न करने की कार्यवाही तथा जिन श्रमिकों ने 240 दिन कार्य करते हुए अवधि पूर्ण कर ली है, उन्हें स्थायी घोषित न करने की कार्यवाही उचित एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस अनुतोष के हकदार है?

2. निर्देश विवाद/अनुसूची न्यायाधिकरण में प्राप्त होने पर पंजीयक उत्तरान्त दोनों पक्षों को विधिवत सूचना जारी की गयी। प्रार्थीगण श्रमिक यूनियन की ओर से अपना क्वेस स्टेटमेन्ट प्रस्तुत किया गया।

3. आज प्रार्थीगण श्रमिक यूनियन के मंत्री श्री राम-गोपाल गुप्ता मय प्रतिनिधि श्री सतीश पचौरी एवं अप्रार्थी मैमर्स श्रीनाथ इन्टरप्राइजेज प्रा. लि. चेचट के अधिभुक्त प्रतिनिधि श्री एम. सी. भरवा प्रबन्धक मार्टिन्स ने न्यायाधिकरण में उपस्थित होकर एक संयुक्त प्रार्थनापत्र के साथ समझौता पत्र प्रस्तुत कर यह निवेदन किया कि चूंकि दोनों पक्षों के मध्य लोक न्यायालय की भावना से प्रेरित होकर लम्बित निर्देश विवाद अनुसूची के सम्बन्ध में आपसी समझौता हो गया है। जिसके तहत अप्रार्थी नियोजक द्वारा संस्थान में खदान के ऊपर गवाऊ ग्राउण्ड में कार्य करने वाले समस्त कुली-वेलदारों को 29.04 पे. प्रतिदिन मजदूरी तथा 6.96 पे. भारत सरकार द्वारा विशेष भत्ता इस प्रकार 36 रु. प्रतिदिन के हिसाब से मजदूरी का भुगतान किया जायेगा, खदान में कार्यरत स्टोन कटर कारीगर को 45 रु. प्रति सौ वर्गपीट के हिसाब से मजदूरी व भारत सरकार द्वारा घोषित विशेष भत्ते का भुगतान किया जावेगा, संस्थान में कार्यरत कर्मचारियों

को जिनकी कि 1000 रु. से कम वेतन मिलता है उनको 100 रु. मासिक वेतन वृद्धि की जावेगी तथा 1000 रु. से अधिक वेतन पाने वाले कर्मचारियों को 150 रु. प्रतिमाह की वेतन वृद्धि दी जावेगी व भारत सरकार द्वारा घोषित विशेष भत्ते का भी भुगतान किया जावेगा, जिन कर्मचारियों ने 240 दिन पूरे कर लिये हैं और जिनकी सेवार्थ संतोषजनक रहेगी उनको स्थायी कर दिया जावेगा तथा यह समझौता मेकेनाईजेशन पर भी लागू होगा। इसके अतिरिक्त यूनियन प्रतिनिधि की स्वीकारोक्ति अनुसार बाकी मांगों में जो कानूनी मांगें हैं उन पर वैधानिक कार्यवाही की जावेगी व मधुर सम्बन्ध बनाये रखने के लिए बाकी मांगों को वापस लेना स्वीकार किया है। यह भी तय हुआ कि इस समझौते के अनुसार एरियर की राशि का भुगतान यूनियन प्रतिनिधि के समक्ष 2 माह के अन्दर अन्दर कर दिया जावेगा तथा यह समझौता दि. 1/10/96 से ही प्रभावशील किया जावेगा। अतः प्रस्तुतशुदा समझौते के आधार पर अधिनिर्णय पारित कर दिया जावे।

4. प्रस्तुत शुदा समझौते पत्र को पक्षकारों को पढ़कर सुनाया व समझाया गया जिस पर दोनों पक्षों ने सही होना स्वीकार किया। न्यायाधिकरण द्वारा भी समझौते में वणित शर्तों का अवलोकन किया जो दोनों पक्षों के हित में प्रतीत होता है। चूंकि पक्षकारों के मध्य लोक न्यायालय की भावना से प्रेरित होकर उक्त प्रकार से आपसी समझौता सम्पन्न हो गया है तथा दोनों पक्ष इस समझौते से सम्बद्ध रहेंगे और अब कोई विवाद पक्षकारों के मध्य शेष नहीं रहा है, अतः भारत सरकार, श्रम मंत्रालय नई दिल्ली द्वारा सम्प्रेषित निर्देश विवाद अनुसूची को उक्त प्रस्तुत समझौते के आधार पर इसी प्रकार अधिनिर्णय किया जाता है।

अधिनिर्णय आज दिनांक 22/11/2000 को खुले न्यायाधिकरण में सुनाया गया जिसे नियमानुसार समुचित सरकार को प्रकाशनार्थ भिजवाया जावे।

महेश चन्द्र भगवती, न्यायाधीश

नई दिल्ली, 12 जनवरी, 2001

का.आ. 196.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में औद्योगिक विवाद में श्रम न्यायालय विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एच-34011/1/98-आई आर (विधि)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 12th January, 2001

S.O. 196.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Vishakhapatnam (A.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the Visakhapatnam Port Trust and their workmen which was received by the Central Government on 5-1-2001.

[No. L-34011/1/98/IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT:

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman & Presiding Officer.

Dated: 7th day of December, 2000
I.T.I.D. (C) 36/98

Reference No. L-34011/1/98/IR(M) dated 2-9-1998

BETWEEN

Visakhapatnam Port Employees Union,
Rep. by its General Secretary,
26-15-204, Dharmasakti Bhawan,
Visakhapatnam. Workman.

AND

Visakhapatnam Port Trust,
Rep. by its Chairman,
Visakhapatnam-530 035. Management.

This dispute coming on for final hearing before me in the presence of Sri S. Sivaramdas, advocate for workmen and Sri D. V. Subbarao, advocate for management, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following:

AWARD

(1) This is a reference made by the Government of India under Sec. 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication of the following dispute:

“Whether the action of the management of Visakhapatnam Port Trust in regularising

the juniors namely Sri K. Robert, M. N. Patrudu, S. P. Y. Naidu, V. Dhanaraju-II and K. V. Ramanrao w.e.f. 1-7-93 and thereby regularising their seniors namely Sri K. Srinivasa Rao, S. K. S. Noorani and K. R. Mahana Rao, w.e.f. 14-5-94 is justified? If not, to what relief the concerned senior employees are entitled to?”

(2) The case of the workmen represented by Visakhapatnam Port Employees Union is that K. Srinivasa Rao, S. K. S. Noorani and K. R. Mohana Rao are senior drivers (diesel-II) than Sri K. Robert, M. N. Patrudu, S. P. Y. Naidu, V. Dhanaraju-II and K. V. Ramana Rao and that they are promoted and regularised w.e.f. 1-7-93 as driver Class-I (diesel-I) without following the procedure and rules prescribed thereunder and the seniority. The posts of driver 1st Class (diesel) is a non-selection post and is to be filled in by seniority-cum-fitness from the line of promotion i.e. Driver 2nd Class (Diesel) failing which by direct recruitment. The normal practice following in filling up of the vacancies of driver 1st class (diesel) by the management, all the while, was deviated during 1993—96 and juniors were regularised over their seniors. The normal practice is that whenever any one of the junior in the cadre of 2nd class driver (diesel) the F.C. Section gets MMD 1st class driver certificate earlier to his senior in that category, he is promoted as driver 1st class on ad-hoc basis whenever there are SC/ST candidates short fall of reservations. The posts of drivers being a non-selection posts, dereservation orders from the competent authority would be obtained subsequently at a future date, to fill up the vacancies reserved for SC/ST by general candidates, following the non-availability of candidates from the respective communities in the line of promotion. Thereafter, the approval of the Departmental promotional committee will be taken to regularise the ad-hoc services of the employees who have been promoted as driver 1st class. While doing so, the seniors who also later acquired 1st class certificate and promoted on ad-hoc basis are given protection of their seniority at the time of regularisation of ad-hoc services, since cadre seniority is to be followed as per the recruitment and since both juniors and seniors were working as Drivers 1st class on ad-hoc by the time of receipt of D. R. Orders. But in the instant case, the seniority of the following Table-I senior employees was denied.

S.No.	Name of the Senior	Designation		Date of Adhoc promotion	Date of regularisation
1.	Sri K. Srinivasa Rao,	Driver	Ist Class	30-3-94	25-5-96
2.	Sr S.K.S. Moorani	"	"	31-03-94	19-11-96
3.	Sri K.R. Mohan Rao	"	"	31-03-94	19-11-96
4.	Sri K.R.M. Lakshmana Rao	"	"	09-02-96	10-05-97
5.	Sri M. S. N. Raju	"	"	09-02-96	10-05-97

The following juniors were made seniors to the above mentioned employees (Table-II)

S.No.	Name of the Juniors	Designation	Date of adhoc promotion	Date of regularisation
1.	Sri K. Robert	Driver 1st Class	1-7-93	1-7-93
2.	Sri M.N. Patrudu	" "	1-7-93	1-7-93
3.	Sri K.V. Ramana Rao	" "	1-7-93	1-7-93
4.	Sri V. Danayya II	" "	1-7-93	1-7-93
5.	Sri S.P.Y. Naidu	" "	1-7-93	1-7-93
6.	Sri B.V. Prasadarao	" "	11-8-96	19-11-96
7.	Sri N.S. Venkata Rao	" "	6-6-95	19-11-96

It is the further case of the union that direct recruitment was resorted to by the management to give promotions to the juniors in the abovesaid table on the ground that officiating as driver 2nd class on adhoc basis and a selection was conducted to them on 21-6-93 and they were given ad-hoc promotion as Driver, 1st class w.e.f. 1-7-93. Even though later de-reservation orders of the reserved vacancies against which the above juniors were promoted on adhoc basis despite being approved candidates were obtained in May, 1994 and by then i.e. by May, 1994 seniors namely K. Srinivasarao, S. K. S. Noorani and K. R. Mohana Rao were also promoted on adhoc basis as diesel driver, Class-I and that the above said juniors mentioned in table No. 2 were made seniors. In the claim statement the union have also stated the case of K. V. Ramana Rao, B. V. Prasada Rao and N. S. Venkata Rao and whose case was not at all referred in the reference. Therefore, the claim made by them cannot be considered in this reference.

(4) On the other hand, it is the case of the management that the management has not deviated the filling up of the vacancies of the driver 1st class, during the years 1993-1994 nor any juniors were regularised and these drivers have not obtained the MMD certificate and hence their cases were not considered along with the named juniors in the

reference and it is further case of the management that in the year 1993 when the vacancies of driver 1st class (diesel) arose there were no eligible candidates in the line of promotion to the post of driver 1st class as per the recruitment rules. It is only the employees in the driver 2nd class who are in the line of promotion were officiating purely on adhoc basis. Hence direct recruitment was resorted to in the vacancies of driver Class-I and a departmental circular was issued vide G. O. No. E/A/50/338 dated 12-3-93. In response to the circular Sri K. Robert, M. N. Patrudu, S. K. V. Naidu (Drivers 2nd class) and K. V. Ramana Rao (Graser) who are having first class MMD driver certificate applied for the said post and on 21-6-93 selection was conducted by the management and the said employees were selected and appointed as driver 1st class on adhoc basis w.e.f. 1-7-93 by the Selection Committee. The workman namely K. Srinivasarao, S. K. S. Noorani and K. R. Mohana Rao have not acquired the driver, 1st Class MMD certificate by 21-6-93 as that certificate is the requisite qualification and they also did not submit any applications for the posts. Hence their cases were not considered then. Subsequently, they have detained the certificates and were also promoted as driver-1st class after acquiring the driver, 1st class MMD certificate (a requisite qualification) and later their services were also regularised after obtaining dereservation orders. The order of seniority and their service particulars are as follows :

S. No.	Name of the employee	Promoted as	Date of acquiring of MND Dr. I Cl. (DI.) certificate	Date of adhoc promotion as Driver-I Class	Date of Regularisation as Driver-I Class
1.	KR. Robert	Dr. I. Cl. (diesel)	31-05-85	01-07-93	01-07-93
2.	M.N. Patrudu	-do-	22-11-85	01-07-93	"
3.	S.P.Y. Naidu	-do-	27-02-89	01-07-93	"
4.	V. Danayya—II	-do-	31-03-89	01-07-93	"
5.	K.V. Ramanarao	-do-	20-11-89	01-07-93	"
6.	K. Srinivasarao	-do-	03-02-94	30-03-94	25-05-95
7.	S.K.S. Noorani	-do-	18-03-94	31-03-94	19-11-96
8.	K.R.M. Rao	-do-	04-03-94	31-03-94	19-11-96
9.	B.V. Prasadarao	-do-	01-06-95	07-07-95	19-11-96
10.	N.S. Venkatarao	-do-	02-05-95	01-06-95	19-11-96
11.	K.R. Lakshmana Rao	-do-	04-09-95	25-09-95	10-05-97
12.	M.S.N. Raju	-do-	23-01-96	09-02-96	10-05-97

Thus, it is clear that the Seniors have acquired the requisite qualifications only after the juniors acquired the required qualifications and in the post of driver 1st class there was no deviation at all. The Juniors were not promoted on adhoc basis and they were selected by the selection committee as direct recruits. It is also the further case of the management that K. Robert, S.P.Y. Naidu, V. Danayya II, K. V. Ramanarao were also regularised by the date of their appointment as driver class-I (Diesel). The direct recruitment system was adopted in the year 1993 as the management felt that the filling of these vacancies was very much essential to avoid the dislocation of works and candidates alleged to have been considered, have applied against direct recruitment system. The management have also stated with regard to the promotion of some other junior employees whose dispute was not referred to this tribunal and the same is not considered here and it is also further submitted that the seniority cannot be the subject matter of the Industrial dispute and the persons who are going to be effected are being the necessary parties without adding them it cannot be adjudicated. Hence the reference without joining the effected parties is to be rejected.

(5) Before this Tribunal on behalf of the management, the employees Union Secretary is examined as WW1 and no documents are marked on behalf of the workman. On behalf of the management one Junior Assistant, Mechanical Department is examined as MW1 and through him Exs. M1 to M19 are marked.

(6) No oral arguments are adduced by both sides and written arguments are filed by both sides.

(7) The case of the workman is that the seniority of Sri K. Srinivasarao, S.K.S. Noorani and K. R. Mohana Rao was ignored by regularising the juniors namely K. Robert, M. N. Patrudu, S. P. Y. Naidu, V. Danayya-II and K. V. Ramanarao w.e.f. 1-7-93 as driver 1st class (Diesel). The case of the management is that for the purpose of promotion from driver Class-II (Diesel), to Driver, Class-I one must get the MMD Cl. I driver certificate, otherwise driver Class-II employees cannot be promoted as Driver Cl. I and that in this case Sri. S. Srinivasarao S. K. S. Noorani and K. Mohana Rao have not acquired the said certificate long after the above said juniors have acquired the MMD Cl. I certificate in the year 1993. There are number of drivers 1st class (diesel) and the posts have fallen vacant and there was dislocation of work and hence the management resorted to fill the said post by direct recruitment and issued circular G.P. No. E/A/50/338 dt. 12-3-93 to that effect and the above said juniors have applied and they were selected in the selection held on 21-6-93 and appointed as driver Cl. I on adhoc basis w.e.f. 1-7-93 and their recruitment is as against the reservation vacancies and therefore their services were regularised after the dereservation orders received by the management. Further, the regularisation was made w.e.f. 1-7-93. The grievance of the workmen is that even though they are senior to the above said juniors and their services were not regularised maintaining their seniority as against the 5 named juniors above. It is also the grievances of these 3 workmen that even by the time of dereservation orders dated 14-5-94 vide Ex. W19 these juniors were also promoted and serving as drivers Cl. I (Diesel) and therefore, the

regularisation ought to have been made without effecting the seniority of these 3 workmen as against the juniors namely the 5 mentioned persons above.

(8) On the other hand, the management contended that the service particulars mentioned above in the statement No. 3 that the seniors have acquired the requisite qualification only after the juniors acquired the qualification and they were regularised in the post of the driver, Cl. I and as such, there is no deviation at all. There is some force in the contention made by the management. Admittedly, these three workmen though seniors to the 5 above said workmen has not acquired the driver, 1st class MMD certificate which is essential requirement either for appointment or promoting them as driver 1st class (diesel). Further by the time calling for the applications for appointing as Diesel Cl. I driver vide G.O No. E/A/50/338 dt. 12-3-93, these 3 workmen have not acquired the required MMD certificates Driver Class I and so they did not even apply, whereas the other 5 juniors have got the MMD class-I certificate and they were also selected and appointed by the selection committee on 21-6-93. Therefore, they have been serving as driver Cl. I long prior to these 5 juniors, and there is nothing irregular nor any illegality committed by the management in regularising the services of Sri K. Robert, M. N. Patrudu, S. P. Y. Naidu, V. Danayya-II and K. V. Ramanarao after obtaining the renovation orders w.e.f. 1-7-93. Further the workmen who raised the dispute namely K. Srinivasarao, S. K. S. Noorani and K. R. Mohana Rao who were also regularised and promoted as Driver Class-I w.e.f. 25-5-95 and 19-11-96, unless they serve as Cl. I driver by 1-7-95 they cannot ask for regularisation of their services as Class-I driver w.e.f. 1-7-93 in the cadre of Driver, 1st class (diesel). Therefore, there are no merits in the case of the workmen at whose instance this reference was made. However, as rightly agitated, the so called juniors who are said to be regularised w.e.f. 1-7-93 were not made as parties in the reference and in their absence their rights cannot be decided. Thus, in any view of the matter, the action of the management cannot be interfered. Accordingly, I answer the reference in favour of the management and against the workman.

(9) In the result, nil award is passed directing each party to bear its own costs.

Dictated to steno transcribed by her given under my hand and seal of the court this the 7th day of December, 2000.

K. VEERAPU NAIDU, Presiding Officer

APPENDIX OF EVIDENCE:

WITNESSES EXAMINED

FOR WORKMAN : WW1 : A. B. Raman.

FOR MANAGEMENT, MW1 : PSPB Sarma.

DOCUMENTS MARKED

FOR WORKMAN : NIL.

FOR MANAGEMENT :

Ex. M1 : 20-03-93 : Application of K. Robert.

Ex. M2 : 20-03-93 : Application of M. N. Patrudu.

Ex. M3 : 22-03-93 : Application of S. P. Y. Naidu.

- Ex. M4 : 21-01-93 : Application of V. Danayya.
 Ex. M5 : 19-01-93 : Application of K. V. Ramnarao
 Ex. M6 : 07-08-85 : Certification of Competency as E. Driver of K. Robert.
 Ex. M7 : 27-02-85 : Certificate of Competency as E. Driver of M. N. Patradu.
 Ex. M8 : — : Certificate of competency as E. Driver of S. P. Y. Naidu.
 Ex. M9 : 04-08-89 : Certificate of competency as E. Driver of V. Naraiiah.
 Ex. M10 : 03-5-90 : Certificate of competency as E. Driver of K. V. V. Rao.
 Ex. M11 : — : Record of trade test of K. Robert.
 Ex. M12 : — : Record of trade test of M. N. Patradu.
 Ex. M13 : — : Record of Trade test of S. P. Y. Naidu.
 Ex. M14 : — : Record of trade test of V. Danayya.
 Ex. M15 : — : Record of trade test of K. V. Ramana.
 Ex. M16 : 03-02-94 : Certificate of competency of K. Srinivasarao.
 Ex. M17 : 18-03-94 : Certificate of competency of S. K. S. Noorani.
 Ex. M18 : 04-03-94 : Certificate of competency of K. R. Mohanarao.
 Ex. M19 : 14-05-94 : Dereservation order.

नई दिल्ली, 12 जनवरी, 2001

का.श्रा. 197.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में श्रम न्यायालय, विशाखापटनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 को प्राप्त हुआ था।

[सं. एल-34012/6/98 आई आर विविध]

बी. एम. डेविड, अवर सचिव

New Delhi, the 12th January, 2001

S.O. 197.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Vishakapatnam (A.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the Visakhapatnam Port Trust and their workmen which was received by the Central Government on the 5-1-2001.

[No. L-34012/6/98/IR(M)]
 B. M. DAVID, Under Secy.

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT :

Sri K. Veerapu Naidu, B.Sc., B.L., Chairman, Industrial Tribunal & Presiding Officer, Labour Court, Visakhapatnam.

I.T.I.D. (C)7/99

Dated : 30th day of October, 2000

No. L-34012/6/98/IR(M) Ministry of Labour
 Government of India.

Di : 3-3-99

BETWEEN

Shri K. Appa Rao,
 S/o Shri Yellaiah,
 Casual Labour,
 Engineering Department.
 C/o.

The General Secretary,
 Visakhapatnam Harbour & Port Workers Union,
 D. No. 26-26-27, Harbour Approach Road.
 Visakhapatnam-530001. . . Workman

AND

The Chairman,
 Visakhapatnam Port Trust,
 Visakhapatnam. . . Management.

This dispute coming on for hearing before me in the presence of Sri. L. Satyanarayana, Advocate for Workman and of Sri. G. Venkata Reddy, Advocate for Management, Memo filed by both parties. Upon perusing the material papers on record the court passed the following :

AWARD

Since both parties have appeared at 12 noon the matter is advanced to this day. Memo's filed by both parties to pass an award in terms of their settlement out side the court.

In view of the memos filed by both the workmen as well as the management Port Trust an Award is passed directing the management to reinstate the workman as Khalasi without any backwages on par with one Devendra Sahu workman in I.T.I.D. 8/93, after setting aside the termination orders of the workman dated 27-3-82 of the management and each party to bear its own costs.

Given under my hand and seal of the court this the 30th day of October, 2000.

K. VEERAPU NAIDU, Presiding Officer

Appendix of Evidence

Witnesses Examined For

Workman :

WW1 K. Appa Rao

Management:

None.

Documents marked for workman :

Ex. W1 1-11-1997—Application by the workman to the management.

Ex. W2 3-12-1997—Letter addressed to the management by the union.

Ex. W3 12-12-1997—Letter addressed to the union by the management.

Ex. W4 12-12-1997—Letter addressed to the management by the union.

Ex. W5 26-2-1998—letter addressed to the management by the union.

Documents marked for Management : Nil.

नई दिल्ली, 12 जनवरी, 2001

का.आ. 198.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुतीकोरिन सेलिंग वेंसल ओनर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 प्राप्त हुआ था।

[स. एल.—44012/4/93-आई आर. (विविध)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 12th January, 2001

S.O. 198.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Tuticorin Sailing Vessel Owner's and their workman, which was received by the Central Government on 5-1-2001.

[No. L-44012/4/93-IR(Misc.)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI-104

Tuesday, the 28th day of November, 2000
PRESENT :

Thiru S. R. Inghar Velu, B.sc., B.L. Industrial Tribunal.

Industrial Dispute No. 102 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Sh. J. Wilfred Fco and Sons C/o the Secretary, The Tuticorin Sailing Vessel Owner's Association, Tuticorin.)

BETWEEN

Sh. R. Francis,

C/o The General Secretary,
Tirunelveli Dist. Democratic General Workers' Union, Tuticorin-628 001.

AND

Sh. J. Wilfred Fco and Sons,

The Secretary,

The Tuticorin Sailing Vessel Owner's Association.

72, Thattar Street,

Tuticorin-628 001.

Reference : Order No. L-44012/4/93-IR(Misc.) dated 1-3-94, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, Claim and Counter statements and other connected papers on record and both parties being absent, this Tribunal passed the following :—

AWARD

"Whether the action of the management of J. Wilfred Fco and Sons, in denying employment to Sh. R. Francis is justified? If not, to what relief the concerned workman is entitled?"

Respondent was already served and counter filed. But even Today both called absent. Matter is of 1994. As both party did not appear continuously for long period, Industrial dispute dismissed for default. No costs.

Dated at Chennai, this 28th day of November, 2000.

S. R. SINGHARAVELU, Industrial Tribunal

नई दिल्ली, 12 जनवरी, 2001

का.आ. 199.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स श्रीनाथ एण्टरप्राइजेज के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-1-2001 प्राप्त हुआ था।

[सं. एल.—29011/105/97-आई आर. (विविध)]

बी. एम. डेविड, अव्वर सचिव

New Delhi, the 12th January, 2001

S.O. 199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Kota as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Srinath Enterprises and their workman, which was received by the Central Government on 5-1-2001.

[No L-29011/105/97-IR(Misc.)]

B. M. DAVID, Under Secy.

अनुबंध

न्यायाधीश, औद्योगिक न्यायाधिकरण केन्द्रीय/ कोटा राज.
पीठासीन अधिकारी — श्री महेश चन्द्र भगवती,

आर. एच. जे. एस.

निर्देश प्रकरण क्रमांक : औ. न्या. केन्द्रीय/14/97
दिनांक स्थापित : 22/5/92

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के
आदेश संख्या एल-29011/105/97-आई. आर.
(विविध) दिनांक 14/5/97

निर्देश अन्तर्गत धारा 10(1)(घ)

औद्योगिक विवाद अधिनियम, 1947

मध्य

राष्ट्रीय मजदूर संघ (इन्टक) रामगंजमण्डी ।

—प्रार्थीगण यूनियन

एवं

मैसर्स श्रीनाथ इन्टरप्राइजेज, प्रा. लि. चेचट लाईमस्टोन
खदान चेचट तह. रामगंजमण्डी जिला कोटा ।

—अप्रार्थी नियोजक

उपस्थित

प्रार्थीगण श्रमिक यूनियन की ओर से प्रतिनिधि :—श्री सतीश
पचौरी

अप्रार्थी नियोजक की ओर से प्रतिनिधि :—श्री एस. सी.
मरवा प्रबन्धक माईन्स

अधिनियम दिनांक : 22-11-2000

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा अपने
उक्त आदेश दिनांक 14-5-97 के जरिये निम्न निर्देश
विवाद अनुसूची, औद्योगिक विवाद अधिनियम, 1947-
(जिसे तदुपरान्त “अधिनियम” से सम्बोधित किया जावेगा)
की धारा 10(1)(घ) के अन्तर्गत इस न्यायाधिकरण को
अधिनियमार्थ सम्प्रेषित किया गया है :—

“क्या राष्ट्रीय मजदूर (संघ) इन्टक रामगंजमण्डी द्वारा
प्रबन्धन मैसर्स श्रीनाथ इन्टरप्राइजेज, प्रा. लि. चेचट
लाईमस्टोन खदान चेचट में कार्यरत कर्मचारियों के लिए
वित्तीय वर्ष 1995-96 के लिए 20 — प्रतिशत बोनस के
भुगतान करने की मांग उचित एवं न्यायसंगत है ? यदि
हां तो सम्बन्धित कर्मकार कितने प्रतिशत बोनस भुगतान
के हकदार हैं”?

2. निर्देश-विवाद अनुसूची न्यायाधिकरण में प्राप्त होने
पर दोनों पक्षों को पंजीबद्ध उपरान्त विधिवत सूचना जारी
की गयी । प्रार्थीगण यूनियन की ओर से अपना क्लेम स्टेटमट
प्रस्तुत किया गया ।

3. आज प्रार्थीगण श्रमिक यूनियन के मंत्री रामगोपाल
गुप्ता मय प्रतिनिधि श्री सतीश पचौरी एवं अप्रार्थी मैसर्स
श्रीनाथ इन्टरप्राइजेज प्रा. लि. चेचट के अधिकृत प्रति-
निधि श्री एस. सी. मरवाह प्रबन्धक माईन्स ने न्यायाधिकरण
में उपस्थित होकर एक प्रार्थना-पत्र के साथ समझौता-पत्र
प्रस्तुत कर यह निवेदन किया कि चूंकि दोनों पक्षों के मध्य
लोक न्यायालय की भावना से प्रेरित होकर लम्बित निर्देश-
विवाद/अनुसूची के सम्बन्ध में आपसी समझौता सम्पन्न हो
गया है जिसके तहत अपार्थी नेखा वर्ष 1995-96

(1 अप्रैल, 95 से 31 मार्च, 96) तक के लिए संस्थान में
कार्यरत श्रमिकों/कर्मचारियों को 9% की दर से बोनस
का भुगतान 15 दिसम्बर, 2000 तक कर देगा, जिन
श्रमिकों व कर्मचारियों ने 240 दिन या उससे अधिक की
हाजिरी दर्ज करायी है, उन्हें बोनस की राशि के साथ
2% एक्सग्रेसिया के रूप में भी भुगतान किया जावेगा
(इन 240 दिन की गणना में सबेरा छुट्टियां व राष्ट्रीय
व्यापारिक छुट्टियां सम्मिलित की जावेगी), उक्त बोनस
का भुगतान बोनस भुगतान अधिनियम, 1965 के अनुसार
किया जावेगा तथा यह भुगतान यूनियन प्रतिनिधियों के
समक्ष किया जावेगा जिसकी सूचना प्रबन्धक, यूनियन
प्रतिनिधियों को देगा, अतः यह समझौता के आधार पर
असुनिर्णय पारित कर दिया जावे ।

4. प्रस्तुतशुदा समझौता-पत्र को पक्षकारों को पक्कर
मुनाया व समझाया गया जिस पर दोनों पक्षों ने सही होना
स्वीकार किया । न्यायाधिकरण द्वारा भी समझौते में वर्णित
शर्तों का अवलोकन किया जो दोनों पक्षों के हित में प्रतीत
होता है । चूंकि पक्षकारों के मध्य लोक न्यायालय की
भावना से प्रेरित होकर उक्त प्रकार से आपसी समझौता
सम्पन्न हो गया है तथा दोनों पक्ष इस समझौते से सम्बद्ध
रहेंगे और अब कोई विवाद पक्षकारों के मध्य शेष नहीं
रहा है, अतः भारत सरकार, श्रम मंत्रालय, नई दिल्ली
द्वारा सम्प्रेषित निर्देश-विवाद/अनुसूची को उक्त प्रस्तुत
समझौते के आधार पर इसी प्रकार अधिनियमित किया जाता
है ।

अधिनियम आज दिनांक 22-11-2000 को चूंकि
न्यायाधिकरण में मुनाया गया जिसे नियमानुसार समुचित
सरकार को प्रकाशनार्थ भिजवाया जावे ।

महेश चन्द्र भगवती, न्यायाधीश

CORRIGENDUM

New Delhi, the 22nd January, 2001

S.O. 200.—In this Ministry's order No. L-30011/15/2000-IR(M), dt. 14-11-2000 published in the Gazette of India, Extraordinary, Part II-Sec. 3 (ii) vide S.O. No. 1066(E) dated 14-11-2000. The following sentence may be incorporated at the end of Paragraph 3 of the abovesaid order.

“The said National Industrial Tribunal shall give its award within a period of six months”.

[No. L-30011/15/2000-IR(M)]

B. M. DAVID, Under Secy.

रोजगार एवं प्रशिक्षण महानिदेशालय

नई दिल्ली, 23 जनवरी, 2001

का. आ. 201.—केन्द्रीय सरकार, रोजगार
(संव के शासकीय प्रयोजनों के लिए प्रदान) नियम 1976
तथा संशोधित 1987 के नियम 10 के उप नियम (2)
(4) के अनुसरण में एतद्वारा रोजगार एवं प्रशिक्षण

महानिदेशालय (श्रम मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों को जिनके कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

(क) उच्च प्रशिक्षण संस्थान, मुंबई

(ख) क्षेत्रीय महिला व्यावसायिक प्रशिक्षण संस्थान, मुंबई

[संख्या-डीजीईटी-11017/2/99-हिन्दी]

सरिता मिताल, उप सचिव

DIRECTORATE GENERAL OF EMPLOYMENT AND TRAINING

New Delhi, the 23rd January, 2001

S.O. 201.—In pursuance of sub-rules (2) and (4) of Rule 10 of the Official Languages (Use for official purpose of the Union) Rules, 1976 as amended 1987, the Central Government hereby notifies the following subordinate offices of Directorate General of Employment and Training (Ministry of Labour), the staff whereof have acquired the working knowledge of Hindi.

1. Advance Training Institute, Mumbai.

2. Regional Vocational Training Institute for Women, Mumbai.

[No. DGE&T-11017/2/99-Hindi.]

SARITA MITTAL, Dy. Secy.

नई दिल्ली, 16 जनवरी, 2001

का. आ. 202.—केन्द्रीय सरकार का समाधान हो गया है कि लोकहित में ऐसा अपेक्षित है कि खनिज तेल (कच्चा तेल) मोटर और विमानन, स्पिरिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाईड्रोजन तेल, और उनके मिश्रण, जिनमें सिन्थेटिक ईंधन, स्टेक तेल और इसी प्रकार के तेल शामिल हैं, के निर्माण का उत्पादन में लगे उद्योग में सेवाओं को औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 26 में शामिल हैं, उक्त अधिनियम के प्रयोजनों के लिए लोकोपयोगी सेवा घोषित किया जाना चाहिए।

अतः ब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छह मास की कालावधि के लिए लोकोपयोगी सेवा घोषित करती है।

[संख्या एस-11017/6/97-आई. आर. (पी.एल.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 16th January, 2001

S.O. 202.—Whereas the Central Government is satisfied that the public interest requires that the Industry engaged in the manufacture of production of Mineral Oil (Crude Oil), Motor and Aviation, Spirit, Diesel Oil, Kerosene Oil, Fuel Oil, Diverse

Hydrogen and their blends including Synthetic Fuels, Lubricating Oils and the like which is covered by item 26 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said Industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/6/97-IR(PL.)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 24 जनवरी, 2001

का. आ. 203.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि किसी भी तेल क्षेत्र में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 17 के अन्तर्गत निर्दिष्ट किया गया है कि उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अ, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/10/97-आई. सं. (नी.वि.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 24th January, 2001

S.O. 203.—Whereas the Central Government is satisfied that the public interest requires that the services in any Oil Fields which is covered by item 17 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said Industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/10/97-IR(PL.)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 24 जनवरी, 2001

का. आ. 204.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (द) के उपखंड (iv) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1788 दिनांक 25-7-2000 द्वारा तांबा खनन

उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25-7-2000 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ख) के उप खंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 25-1-2001 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[फा. सं. एस—11017/11/97—आई. आर. (पी. एल.)]

एच. सी. गुप्ता, अवर सचिव

New Delhi, the 24th January, 2001

S.O. 204.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1788 dated 25-7-2000 the Copper Mining Industry to be a public utility service for the purpose of the said Act, for a period of six months from the 25-7-2000;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a period of six months from the 25-1-2001.

[F. No. S-11017/11/97-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 16 जनवरी, 2001

का. आ. 205.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 फरवरी, 2001 की उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 अध्याय-5 और 6 धारा-76 की उप धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त

की जा चुकी है] के उपबन्ध आन्ध्र प्रदेश राज्य के निम्न-लिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

आन्ध्र प्रदेश के जिला रंगारैड्डी के मंडल शमीरपेट में आने वाले राजस्व ग्राम :—

“शमीरपेट, सम्पन्नबोल, लालगुडी, अलिआबाद, जगमगुडा, तर्कापल्ली, लक्ष्मापुर तथा मजीदपुर” ।

और

मेड्चल मंडल में आने वाला राजस्व ग्राम :—
“मुरहरपल्ली” ।

[संख्या:एस—38013/1/2001-एस. एस. I]

एल. एच. रुलंगुल, अवर सचिव

New Delhi, the 16th January, 2001

S.O. 205.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st February, 2001 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Andhra Pradesh, namely :—

“All the areas falling in the Revenue Villages of Shameerpet, Sampanbole, Lalgadi, Aliabad, Jaggamguda, Turkapally, Laxmapur and Majidpur in Shameerpet Mandal and Murharapally in Medchal Mandal of Rangareddy District.”

[No. S-38013/1/2001-SS.I]

L. H. RUOLNGUL, Under Secy.

नई दिल्ली, 24 जनवरी, 2001

का. आ. 206.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में एतद्वारा श्रम मंत्रालय के अधीन कर्मचारी राज्य बीमा निगम के क्षेत्रीय कार्यालय, हैदराबाद को अधिमुक्ति करती है ।

[फाइल संख्या ई-11011/1/93—रा. भा. नी. (भाग)]

के. के. मारवाह, उप सचिव

New Delhi, the 24th January, 2001

S.O. 206.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Language (Use for official purpose of the Union) Rule, 1976, the Central Government, hereby, notifies Regional Office, Hyderabad under Employee's State Insurance Corporation working under the Ministry of Labour.

[File No. E-11011/1/93-RBN(Pt.)]

K. K. MARWAH, Dy. Secy.